

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting of the Development Control Committee held at the County Borough Council Offices, The Pavilions, Clydach Vale on Thursday, 3 October 2013 at 5 p.m.

PRESENT

County Borough Councillor R.B.McDonald – in the Chair

County Borough Councillors

L.M.Adams	(Mrs) S.J.Jones	R.K.Turner
J.Bonetto	C.J.Middle	G.P.Thomas
S.A.Bradwick	A.Morgan	L.G.Walker
J.Bunnage	B.Morgan	(Mrs) J.S.Ward
A.Calvert	K.Morgan	P.Wasley
P.Cannon,QPM	S.Pickering	M.Webber
W.J.David	K.A.Privett	E.Webster
(Mrs) A.Davies	S.Rees	W.D.Weeks
C.Davies	S.Rees-Owen	C.J.Williams
(Mrs) M.E.Davies	J.Rosser	D.H.Williams
J.Elliott	R.W.Smith	T.Williams
P.Griffiths	G.Stacey	C.J.Willis
J.S.James	(Mrs) M.Tegg	R.A.Yeo
P.Jarman		

Officers in Attendance

Mrs.J.Cook – Director, Regeneration & Planning
Mr.S.Gale – Service Director, Planning
Mr.D.J.Bailey – Development Control Manager
Mr.C.Jones – Development Control Manager
Mr.S.Humphreys – Principal Solicitor
Mr.S.Zeinalli – Highways Development & Adoption Manager

91 APOLOGIES FOR ABSENCE

Apologies for absence were received from County Borough Councillors P.Baccara, (Mrs) T.A.Bates, D.R.Bevan, H.Boggis, S.Carter, (Mrs) J.Cass, A.Christopher, A.Crimmings, A.L.Davies,MBE, J.Davies, G.R.Davies, (Mrs) L. De Vet, S.M.Evans-Fear, M.Forey, A.S.Fox, M.Griffiths, (Mrs) E.Hanagan, G.Holmes, G.E.Hopkins, P.Howe, W.L.Langford, R.Lewis, (Mrs) C.Leyshon, S.Lloyd, K.Montague, M.A.Norris, I.Pearce, M.J.Powell, (Mrs) A.Roberts, G.Smith, B.Stephens, M.J.Watts and M.Weaver.

92 DECLARATIONS OF INTERESTS

The following personal interests were declared in matters to the agenda:

- (1) from County Borough Councillor S.Rees in respect of Application No.13/0880 – Construction of an Aerobic Digestion Facility, landscaping and associated infrastructure (revised scheme layout) – Amgen Rhondda Ltd., Bryn Pica Landfill and Recycling, Merthyr Road, Llwydcoed, Aberdare – “I am a member of the Bryn Pica Committee”.
- (2) from County Borough Councillor S.Bradwick in respect of Application No.13/0880 – Construction of an Aerobic Digestion Facility, landscaping and associated infrastructure (revised scheme layout) – Amgen Rhondda Ltd., Bryn Pica Landfill and Recycling, Merthyr Road, Llwydcoed, Aberdare – “I am a member of the Bryn Pica Committee”.
- (3) from County Borough Councillor B.Morgan in respect of Application No.13/0487 – Erection of an attached garage to the side/front of the property – 5 Hawthorn Crscent, Rhydyfelin, Pontypridd – “The applicant is known to me”.
- (4) from County Borough Councillor K.Privett in respect of Application No. 13/0453 – Replacement boundary wall and access steps (amended description and plans received 23 July 2013) – Brondeg, Vicarage Road, Penygraig, Tonypany – “The applicant is known to me”
- (5) from County Borough Councillor P.Wasley in respect of Application No.12/1144 – Residential Development (Outline) – The Riverside, Elwyn Street, Coedely, Tonyrefail – “I attended a community meeting purely as an observer”.
- (6) from County Borough Councillor J.S.James in respect of Application No.13/0310 – 8 no. flats and associated works (amended plans received 17 July 2013) – York Drive, Llantwit Fardre – “I organised and Chaired a residents meeting and I categorically said that I could not give an opinion and a representative of the applicant was also present as well”.
- (7) from County Borough Councillor J.S.James in respect of Application No.12/1253 – Drill an exploratory borehole to test for unconventional gas reserves in the Westphalian and Namurian Strata – Field on left hand side of Pantybrad Road, North of Llantrisant – “I work for the Member of Parliament of the Vale of Glamorgan who was involved with a residents’ campaign in his Constituency regarding a borehole application from the applicant. It is not a prejudicial interest as I was never involved with the MP’s campaign. I will not be voting on this application”)

- (8) from County Borough Councillor J.Bunnage in respect of Application No.13/0310 – 8 no. flats and associated works (amended plans received 17 July 2013) – York Drive, Llantwit Fardre – “I attended a residents meeting as an observer and did not take part in any debate”.
- (9) from County Borough Councillor A.Morgan in respect of Application No.13/0880 - Construction of an Aerobic Digestion Facility, landscaping and associated infrastructure (revised scheme layout) – Amgen Rhondda Ltd., Bryn Pica Landfill and Recycling, Merthyr road, Llwydcoed, Aberdare – “I am the responsible Cabinet Member and I am also on the Project Board, it is also a prejudicial interest and I will leave the meeting for this item”.
- (10) from County Borough Councillor R.B.McDonald in respect of Application No.13/0665 – Internal alteration and two storey extension at rear of Church. Demolish existing rear extension – New Life Community Hall, Mill Street, Tonyrefail – “I have friends on both sides for and against the application”.
- (11) from County Borough Councillor R.B.McDonald in respect of Application No.12/1144 – Residential Development (Outline) – The Riverside, Elwyn Street, Coedely, Tonyrefail – “It has come to my attention that one of the Partners was Best Man at my wedding nearly 20 years ago so as that might be construed as a prejudicial interest, I will leave the meeting for this item”.
- (12) from County Borough Councillor C.Middle in respect of Application No.12/1144 – Residential Development (Outline) – The Riverside, Elwyn Street, Coedely, Tonyrefail – “One of the objectors speaking, Mr.D.Owen-Jones, is a relative”.

93 HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS

RESOLVED to note, that when Members determine the development control matters before them, they should have regard to the Development Plan and, so far as material to applications to any other material considerations and when taking decisions, Members have to ensure they do not act in a manner that is incompatible with the convention on Human Rights as incorporated into legislation by the Human Rights Act 1998.

94 MINUTES

RESOLVED to approve as an accurate record, the minutes of the meeting of the Development Control Committee held on 5 September 2013.

95 CHANGES TO THE ORDER OF THE AGENDA

The Committee agreed that the agenda would be considered out of sequence and as detailed in the minutes set out hereunder.

96 SITE INSPECTIONS INVOLVING PUBLIC SPEAKERS

**(1) Application No.13/0453 – Replacement wall and access steps
(amended description and plans received 23 July 2013) – Brondeg,
Vicarage Road, Penygraig, Tonypanyd**

In accordance with adopted procedures, the Committee received Mr.B.Williams (Objector), who was afforded five minutes to address Members on the application.

Pursuant to Minute No.66(1) (Development Control Committee, 5 September 2013), the Committee was informed of the outcome of a site inspection held on 16 September 2013 in respect of the above proposal which was recommended for approval subject to conditions as outlined in Appendix 1.

It was **RESOLVED** to approve the application in accordance with the recommendation of the Service Director, Planning.

**(2) Application No.13/0665 – Internal alteration and two storey extension
at rear of Church. Demolish existing rear extension – New Life
Community Church, Mill Street, Tonyrefail**

Pursuant to Minute No.67 (Development Control Committee, 5 September 2013), the Committee was informed of the outcome of a site inspection held on 16 September 2013 in respect of the above proposal which was recommended for refusal for the reasons outlined in the report of the Service Director, Planning attached as Appendix 1.

It was **RESOLVED** to defer the application to enable further discussions to take place with the applicant on the possibility of an amended scheme being submitted.

(Note: The Chairman informed the person present to address the Committee in relation to the application that if she wished to speak at the meeting when the matter was next considered, she would have to submit a new request to do so.)

97 APPLICATIONS RECOMMENDED FOR APPROVAL INVOLVING PUBLIC SPEAKERS

(1) Application No.13/0310 – 8 no. flats and associated works (amended plans received 17 July 2013) – York Drive, Llantwit Fardre, Pontypridd

In accordance with adopted procedures, the Committee received Mr.J.Wilkes (Applicant's Agent), Mr.P.Cole-Wilkins (Objector) and Mrs.M.Smith (Objector), each being afforded five minutes to address Members on the application.

The Committee considered the proposal and was informed by the Development Control Manager of the contents of "late" letters and a petition signed by 256 residents objecting to the proposed development.

Following lengthy discussion, it was **RESOLVED** that as Members were minded to refuse the application contrary to the recommendation of the Service Director, Planning because they considered the proposed development would be out of character with the surrounding area, would result in overdevelopment of the site and would exacerbate existing parking problems in the area to the detriment of highway safety, the matter be deferred to the next appropriate meeting of the Development Control Committee for a report from the Service Director, Planning, if necessary in consultation with the Director, Legal & Democratic Services, upon the strengths and weaknesses of taking a decision contrary to recommendation, prior to determining the matter.

(2) Application No.13/0880 – Construction of an Aerobic Digestion Facility, landscaping and associated infrastructure (revised scheme layout) – Amgen Rhondda Ltd., Bryn Pica Landfill and Recycling, Merthyr Road, Llwydcoed, Aberdare

(Note: Having previously declared a personal and prejudicial interest in the above-mentioned application (Minute No.92(9) refers), County Borough Councillor A.Morgan left the meeting for the item).

In accordance with adopted procedures, the Committee received Mr.N.Chapman (Applicant's Agent), who was afforded five minutes to address Members on the application.

The Development Control Manager reported orally on "late" letters received from the following consultees:

- Public Health & Protection Section
- Land Reclamation & Engineering

- Dwr Cymru/Welsh Water
- Natural Resources Wales

and following consideration of the matter, it was **RESOLVED** to approve the application in accordance with the recommendation of the Service Director, Planning subject to the wording of Condition No.20 being revised to ensure that the works are carried out in accordance with the Method Statement for the conservation of the Great Crested Newts and to delegate powers to the Service Director, Planning to issue the Decision Notice once the final consultation responses have been received.

(**Note:** In accordance with the Code of Conduct, County Borough Councillor J.Elliott declared a personal interest in the above-mentioned application – “I sit on Bryn Pica Liaison Committee”).

98 DEFERRED APPLICATION INVOLVING PUBLIC SPEAKERS

Application No.12/1144 – Residential Development (Outline) – The Riverside, Elwyn Street, Coedely, Tonyrefail

(**Note:** Having previously declared a personal and prejudicial interest in the above-mentioned application (Minute No.92(11) refers), County Borough Councillor R.B.McDonald left the meeting for this item vacating the Chair in favour of the Vice-Chairman (County Borough Councillor W.D.Weeks).

In accordance with adopted procedures, the Committee received Mr.J.Waters (Applicant’s Agent), Mr.D.Owen-Jones (Objector), Ms.H.Jacobs (Objector) and Mr.A.Hayes (Objector), each being afforded five minutes to address Members on the application. The Applicant’s Agent exercised his right to respond to the comments made by the Objectors.

In his report, the Service Director, Planning outlined the background to the application and his recommendation to refuse the application for the reasons listed.

Following a discussion, it was **RESOLVED** to refuse the application in accordance with the recommendation of the Service Director, Planning.

99 APPLICATIONS RECOMMENDED FOR APPROVAL

In his report, the Service Director, Planning set out details of applications recommended for approval.

In respect of Application No.13/0734 - Variation of condition 2 and 4 of Planning Permission Ref 09/1242/10 to continue the use of the existing access off the A4061 for a further period to 31 December 2019, (as part of an extension to the surface mine, within Neath Port Talbot CBC) and to allow the retention of the coal haulage road, post cessation of surface mineral workings, for use in association with the agricultural and other management of the land, Selar Surface Mine, Rhigos, Aberdare – the Development Control Manager reported orally on “late” letters received from the Applicant supporting the application and from Mr. & Mrs.Jenkins - part-owners of Ty Draw Farm, Rhigos – requesting the retention of the Selar road access in its current state once the site closes.

Following consideration of all proposals before them, the Committee **RESOLVED** –

- (1) To approve the under-mentioned applications in accordance with the recommendations of the Service Director, Planning:
 - 13/0307** – Two detached dwelling houses and upgrading of lane access (amended plans received 15 July 2013) – Land adjoining 4 High Street, Hirwaun
 - 13/0348** – Change of use to part residential and part commercial to allow live in and childminding for 9 children aged 0-8 years including 2 additional staff (amended details and description received 23/07/13) – 9 Bute Terrace, Hirwaun
 - 13/0446** – One detached dwelling (amended plans received 22 July 2013) – Land at Wind Street, Blaenllechau, Ferndale
 - 13/0650** – Change of use of existing stable building to 2 units of tourist accommodation including external alterations as part of farm diversification – Stable Building, Coed Cae Mawr Farm, Heol Ddu, Castellau, Llantrisant
 - 13/0689** – Raised timber decking (retrospective) – 3 Graig Terrace, Graig, Pontypridd

- (2) To approve Application No. **13/0734** - Variation of condition 2 and 4 of Planning Permission Ref 09/1242/10 to continue the use of the existing access off the A4061 for a further period to 31 December 2019 (as part of an extension to the surface mine, within Neath Port Talbot CBC) and to allow the retention of the coal haulage road, post cessation of surface mineral workings, for use in association with the agricultural and other management of the land - Selar Surface Mine, Rhigos, Aberdare – in accordance with the Officer’s recommendation and that delegated powers be granted to the Service Director, Planning to amend Condition No.3 to include a time limit and/or barrier to restrict the number and type of vehicles

entering Parish Road following discussion with the Local Member for Rhigos.

(**Note:** In accordance with the Code of Conduct, County Borough Councillor P.Jarman declared a personal interest in the above-mentioned application stating “The late letter in the name of Ann Jenkins and Geraint Jenkins, owners of Ty Draw Farm, was considered. They are known to me as a former Plaid Cymru Councillor and Solicitor”).

100 URGENT ITEM – OBSERVATIONS REQUESTED BY ADJACENT PLANNING AUTHORITY – PLANNING APPLICATION NO.13/0779 - PROPOSED EXTENSION FOR THE EXTRACTION OF SOME 800,000 TONNES OF COAL INTEGRATED INTO THE EXISTING AND PERMITTED OPERATIONS WITH ASSOCIATED RELOCATION OF WORKSHOP, INTERNAL ACCESS ROAD, OFFICES AND SITE INFRASTRUCTURE – SELAR OPEN CAST COAL SITE NEAR RHIGOS, GLYNNEATH

In view of the urgency of the matter and with the permission of the Chairman, i.e. the need to offer observations to Neath Port Talbot County Borough Council on the above-mentioned application, this item was considered at this point in the proceedings.

Following consideration of the matter, it was **RESOLVED** that no objection be raised to the proposal and that Neath Port Talbot County Borough Council be advised accordingly in accordance with the recommendation of the Service Director, Planning.

DEFERRED APPLICATIONS

101 APPLICATION NO.12/1253 – DRILL AN EXPLORATORY BOREHOLE TO TEST FOR UNCONVENTIONAL GAS RESERVES IN THE WESTPHALIAN AND NAMURIAN STRATA – FIELD ON LEFT HAND SIDE OF PANTYBRAD ROAD, NORTH OF LLANTRISANT

Pursuant to Minute No.51(2) (Development Control Committee, 15 August 2013) when Members were minded to refuse the application contrary to the Officer’s recommendation, the Service Director, Planning provided additional comments on the concerns previously expressed by Members regarding this proposal in respect of:

- Risks due to underground mine workings
- Highway infrastructure, including weak bridge, unsuitable to serve the development

- Risks to natural watercourses in the site vicinity and the potential for surface water contamination

The Service Director, Planning informed the Committee that the application was acceptable in land use planning terms and was, therefore, recommended for approval. He stressed that in the event of the application being refused for reasons that reflect Members' concerns, it would be difficult to bring forward substantive evidence to support those concerns if the application proceeded to an appeal. However, if Members were still minded to refuse planning permission the reasons outlined in the report were suggested to reflect their concerns.

Following consideration of the report, it was **RESOLVED** to approve the application in accordance with the recommendation of the Service Director, Planning subject to the imposition of the following additional condition:-

“Development shall not commence until such time as a scheme has been submitted to and agreed in writing by the Local Planning Authority detailing all of the regulatory / consents framework required to be in place prior to exploration and production of onshore oil and gas reserves commencing on site. No drilling shall commence until all of the prior commencement consents detailed in the regulatory / consents framework have been obtained and evidence to that effect is submitted to the Local Planning Authority.

Reason: In order to safeguard public and environmental health in accordance with policy AW 10 of the Rhondda Cynon Taf Local Development Plan.”

102 APPLICATION NO.13/0487 – ERECTION OF AN ATTACHED GARAGE TO THE SIDE/FRONT OF THE PROPERTY – 5 HAWTHORN CRESCENT, RHYDYFELIN, PONTYPRIDD

Pursuant to Minute No.65 (Development Control Committee, 5 September 2013) when Members were minded to approve the above-mentioned application contrary to the Officer's recommendation because they considered the garage was acceptable in terms of design, scale and siting and that it would not result in an unsympathetic addition that would have a detrimental impact on the character and appearance of the dwelling, the pair of semi-detached properties or the surrounding street scene, the Service Director, Planning gave his views on the proposal which was recommended for refusal for the reasons outlined in his report.

The Service Director, Planning informed Members that if they were still minded to approve the application, the suggested conditions listed in his report would be appropriate.

It was **RESOLVED** contrary to the recommendation of the Service Director, Planning for the reasons set out above, to approve the application subject to the three conditions listed in the report.

103 APPLICATION NO.13/0535 – DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 40 NO. EXTRA CARE FLATS WITH COMMUNAL AND ANCILLARY FACILITIES AND ASSOCIATED WORKS AT FORMER COUNCIL DEPOT, COWBRIDGE ROAD, TALBOT GREEN, PONTYCLUN

Pursuant to Minute No.68(3) (Development Control Committee, 5 September 2013) when Members deferred consideration of the above-mentioned application to enable discussions to take place with the applicant regarding the fire safety issues associated with the proposed development, the Service Director, Planning, in his report, informed the Committee that the applicant had now evidenced that the proposed development met all relevant fire safety standards and was fully accessible to fire appliances and fire-fighting equipment.

Following consideration of the matter, it was **RESOLVED** to approve the application in accordance with the recommendation of the Service Director, Planning.

104 APPLICATION NO.11/1456 – RESIDENTIAL DEVELOPMENT (OUTLINE) (AMENDED PLAN AND DETAILS RECEIVED 20/07/12) – LAND ADJACENT TO QUEENSWAY, NANTGARW

With reference to Minute No.68(4) (Development Control Committee, 5 September 2013) the Service Director, Planning provided the Committee with the planning background in this matter and for the reasons outlined in his report recommended the above-mentioned application be refused.

Following consideration of the report, it was **RESOLVED** to refuse the application in accordance with the recommendation of the Service Director, Planning.

105 INFORMATION REPORT

In his report, the Service Director, Planning provided the Committee with information relating to Delegated Decisions (Approvals and Refusals with

reasons) for the period 5 September – 17 September 2013 and it was **RESOLVED** to note the information.

R.B.McDONALD
W.D.WEEKS
CHAIRMEN

The meeting terminated at 6.50 p.m.