

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, 6 March 2014 at 5.00 p.m.

PRESENT

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

County Borough Councillors

L.M.Adams	G.Holmes	G.Stacey
(Mrs) T.A.Bates	P.Jarman	B.Stephens
D.R.Bevan	(Mrs) S.J.Jones	(Mrs) M.Tegg
J.Bonetto	R.Lewis	R.K.Turner
S.A.Bradwick	(Mrs) C.Leyshon	G.P.Thomas
J.Bunnage	A.Morgan	L.G.Walker
(Mrs) A.Calvert	B.Morgan	(Mrs) J.S.Ward
S.L.Carter	M.A.Norris	M.J.Watts
(Mrs) J.Cass	S.Pickering	(Mrs) M.Webber
W.J.David	S.Powderhill	E.Webster
G.R.Davies	S.Rees	W.D.Weeks
J.Elliott	S.Rees-Owen	D.H.Williams
A.S.Fox	J.Rosser	C.J.Willis
M.Griffiths	G.Smith	
G.E.Hopkins		

Officers in Attendance

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.Zeinali – Highways Development & Adoption Manager

186 APOLOGIES FOR ABSENCE

Apologies for absence were received from County Borough Councillors P.Baccara, P.Cannon,QPM, A.Christopher, A.Crimmigns, A.L.Davies,MBE, C.Davies, J.Davies, (Mrs) M.E.Davies, (Mrs) L.De Vet, S.M.Evans-Fear, M.Forey, P.Griffiths, (Mrs) E.Hanagan, P.Howe, J.S.James, W.L.Langford, S.Lloyd, C.J.Middle, K.Montague, K.Morgan, I.Pearce, M.J.Powell, K.A.Privett, R.W.Smith, P.Wasley, M.Weaver, C.J.Williams, T.Williams and R.Yeo.

187 DECLARATIONS OF INTERESTS

The following declarations of personal interests were received:-

- (1) from County Borough Councillor J.Rosser in respect of Application No.13/1004 – Proposed residential development, new local centre, car parking and access – Bryncae Industrial Estate, Bridgend Road, Llanharan – “My Husband is an employee of the applicant – he is an office caretaker”.
- (2) from County Borough Councillor A.Morgan in respect of Application No.12/0037 – Recycling Facility for the store and processing of inert materials from construction and demolition activities and the operation of a community recycling centre (revised description, amended details, amended plans and environmental information received 16 & 30/12/12/) – Land adjacent to Glanmychydd Fach Farmhouse, Llantrisant – “As the relevant Portfolio Holder, I have had discussions on this proposal, it is also a prejudicial interest but I will speak on the item and then leave for the item in accordance with Paragraph 14(2) of the Code”.
- (3) from County Borough Councillor P.Jarman in respect of Application No.13/1328 – Block of 3 no. Garages/stores – Land at rear of Argyle Street, Abercynon – “My Son rents a garage from the applicant on site of proposal, it is also a prejudicial interest and I will leave the meeting for the item”
- (4) from County Borough Councillor (Mrs) M.Tegg in respect of Application No.13/0912 – Detached Dwelling with rear Parking – Land adjacent to 15 Jestyn Street, Porth – “The applicant is my First Cousin, it is also a prejudicial interest and I will leave the meeting for the item.”

188 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 and to any other material considerations and 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.

189 MINUTES

RESOLVED to approve as an accurate record, the minutes of the meeting of the Development Control Committee held on 6 February 2014.

190 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.

191 SITE VISITS INVOLVING PUBLIC SPEAKERS

(1) Application No.13/0912 – Detached Dwelling with rear Parking – Land adjacent to 15 Jestyn Street, Porth

(**Note:** Having earlier declared a personal and prejudicial interest in the above matter (Minute No.187(4) refers), County Borough Councillor (Mrs) M.Tegg left the meeting for the item).

In accordance with adopted procedures, the Committee received Mr.C.Jones (Objector), who was afforded five minutes to address Members on the above-mentioned application.

Pursuant to Minute No.178(1) (Development Control Committee, 6 February 2014), the Director, Legal & Democratic Services reported on the outcome of a site inspection undertaken on 14 February 2014 to consider the impact of the proposed development on the character of the area and highways concerns. The application was recommended for approval by the Service Director, Planning subject to conditions as set out in Appendix 1.

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

(2) Application No.11/1377 – 5 no. New build properties and access road with on site parking and visitor parking (amended plans received 20/08/2013) – Land adjacent to 16 Gorsedd Street, Mountain Ash

In accordance with adopted procedures, the Committee received Mr.P.Langford (Applicant), Mr.J.Rees (Objector) and Mr.M.Herbert (Objector), each being afforded five minutes to address Members on the proposal. The Applicant did not wish to respond to the Objectors' comments.

Pursuant to Minute No.180(1) (Development Control Committee, 6 February 2014), the Director, Legal & Democratic Services reported on the outcome of a site inspection undertaken on 17 February 2014 to consider highways concerns in relation to the proposed development.

The application was recommended for approval by the Service Director, Planning subject to conditions and the applicant entering into a Section 106 agreement on the terms set out in Appendix 1 to the report.

The Development Control Manager reported orally that following on from the site inspection, it had been agreed with the Transportation Officer that there would be no requirement for the "build outs" either side of the site entrance so they would no longer form part of the scheme. Also, two additional conditions were now being recommended to require the applicant to demonstrate how he would ensure preserving vehicular access to the rear of the properties in Gorsedd Street and, secondly, requiring clarification in terms of the finished floor levels of the link of three properties.

A lengthy discussion ensued on the proposal and it was **RESOLVED** to approve the application in accordance with the recommendation of the Service Director, Planning subject to the imposition of the following two additional conditions:

- “18. Notwithstanding the detail shown on the approved plans, no development shall commence until further details confirming the finished floor levels of the link of three houses, together with appropriate cross sections have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details

Reason: To ensure that the height and scale of the dwellings are in keeping with the character and appearance of the area and would not have an adverse impact on neighbouring properties in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

19. Notwithstanding the detail shown on the approved plans, no development shall commence until details confirming arrangements to secure the permanent retention of both pedestrian and vehicular access to the rear of the properties (16-32, evens only) Gorsedd Street are submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that access is maintained to the rear of existing properties in the interests of highway and pedestrian safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.”

and the applicant entering into a Section 106 Agreement, the Heads of Terms of which are set out below:

That the applicant enters into an agreement to make a transport tariff contribution towards improving the strategic highway network at the rate of:

Residential 3/4/5 + bedrooms - £3,008 / unit x 75% Level 2 tariff

5 x £2256 + £11280

192 APPLICATION RECOMMENDED FOR APPROVAL INVOLVING PUBLIC SPEAKERS

Application No.13/1004 – Proposed residential development, new local centre, car parking and access – Bryncae Industrial Estate, Bridgend Road, Llanharan

RESOLVED to defer consideration of the above-mentioned application for a site inspection to be attended by the Chairman and Vice-Chairman of the Development Control Committee and a Member of the largest Opposition Group in consultation with the Local Member for Brynna and that a report thereon be submitted to the next appropriate meeting of the Committee for consideration.

(Note: County Borough Councillor R.K.Turner requested the above-mentioned site inspection for the substantial reason, to consider access arrangements to the development site, the internal road layout and the proposed housing layout especially at the northern and western ends of the site).

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

193 APPLICATION RECOMMENDED FOR REFUSAL INVOLVED PUBLIC SPEAKERS

Application No.13/0890 – New mobile home – Land North of Gellifendigaid Transmitter, Coed Y Cwm

RESOLVED to defer consideration of the above-mentioned application for a site inspection to be attended by the Chairman and Vice-Chairman of the Development Control Committee and a Member of the largest Opposition Group in consultation with the Local Member for Ynysybwl and that a report thereon be submitted to the next appropriate meeting of the Committee for consideration.

(Note: County Borough Councillor S.Pickering requested the above-mentioned site inspection for the substantial reason, to consider highways, public health and planning issues concerning the proposal).

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

194 SITE VISITS

- (1) **Application No.13/1251 – The conversion of Building E2 of Coed y Lan Comprehensive School to a Domestic Dwelling – Building E3, Coed y Lan Comprehensive Lower School, Tyfica Road, Pontypridd; and**

Application No.13/1252 – The conversion of Building E2 of Coed y Lan Comprehensive School to a Domestic Dwelling – Building E3, Coed y Lan Comprehensive Lower School, Tyfica Road, Pontypridd

Pursuant to Minute No.180(6) (Development Control Committee, 6 February 2014) the Director, Legal & Democratic Services reported on the outcome of a site inspection undertaken on 14 February 2014 to consider planning and highways issues regarding the proposed development.

Both applications were recommended for approval by the Service Director, Planning subject to conditions as outlined in Appendix 1 and Appendix 2 respectively.

Following lengthy consideration of the matter, it was **RESOLVED** to approve both applications in accordance with the recommendations of the Service Director, Planning subject to the imposition of an additional condition to Application No.13/1251 requiring the applicant to provide details of parking provision for two cars prior to works commencing on site.

- (2) **Application No.13/1039 – Improvement of Craig Yr Hesg Quarry Entrance to provide two way quarry entrance and exit – Craig yr Hesg Quarry, Berw Road, Pontypridd**

Pursuant to Minute No.180(3) (Development Control Committee, 6 February 2014) the Director, Legal & Democratic Services reported on the outcome of a site inspection undertaken on 17 February 2014 to consider issues around compliance with Policy AW5 and Policy NSA23 of the Local Development Plan. The application was outlined in Appendix 1 to the report and was recommended for approval subject to conditions.

Members were also informed by the Service Director, Planning that following the site inspection, revisions to the proposed conditions listed in Appendix 1 were recommended and a full list of the conditions now being recommended were attached to the report as Appendix 2, for consideration.

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 revised conditions listed in Appendix 2 but that Condition No.8 being further amended to read as follows:

- “8. Construction works on the development shall not take place other than during the following times:

- (a) General Works
 - Mon to Fri 08.00 – 18.00
 - Sat 08.00 – 13.00
 - Not at all on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority

- (b) Rock Breaking
 - Mon to Fri 0900 – 1600
 - Sat 0900 – 1200

Reason: to ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.”

(3) Application No.13/1282 – Outline Planning Permission for 9 no. Detached dwellings with off road parking, new road layout and associated works – Land adjoining No.15 (North West) of Trem Y Duffryn, Mountain Ash

Pursuant to Minute No.181(2) (Development Control Committee, 6 February 2014) the Director, Legal & Democratic Services reported on the outcome of a site inspection held on 17 February 2014 in respect of the above proposal which was recommended for refusal for the reasons outlined in the report.

The Development Control Manager reported orally that following the site inspection, the applicant had notified the Authority that he was withdrawing the application.

It was therefore **RESOLVED** to note with withdrawal of the application by the applicant.

(4) Application No.13/1328 – Block of 3 no. Garages/stores – Land at rear of Argyle Street, Abercynon

(Note: Having earlier declared a personal and prejudicial interest in the above-mentioned application (Minute No.187(3) refers), County Borough Councillor P.Jarman left the meeting for this item).

Pursuant to Minute No.178(5) (Development Control Committee, 6 February 2014) the Director, Legal and Democratic Services reported on the outcome of a site inspection held on 17 February 2014 to consider the impact of the proposal on neighbouring residents and highways issues.

The application was recommended for approval by the Service Director, Planning subject to conditions as outlined in Appendix 1 to the report.

The Development Control Manager reported orally on a “late” letter received from the occupier of one of the properties in Argyle Street objecting to the proposal owing to overlooking of her property.

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

(**Note:** In accordance with the Code of Conduct, County Borough Councillor R.Lewis declared a personal interest in the above-mentioned application – “Objector is a family friend”.

195 APPLICATIONS RECOMMENDED FOR APPROVAL

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

In respect of Application No.13/1348 – Erection of a two storey four bedroom house (amended plan received 05/02/14) – Rear of Nos.57-63 Hendrecafn Road, Penygraig – the Development Control Manager reported orally on a “late” letter received from Wm.Hughes & Son, Hay & Corn Merchants of Penygraig enquiring as to what physical restrictions would be put in place regarding access to the site before and if planning permission was granted. In this regard, the Development Control Manager stated that there were no restrictions other than widening of the lane.

RESOLVED –

- (1) To defer application no.**13/0959** – Proposed conversion of Public House to 8 no. Flats with off street parking (amended description received 07/02/14 and amended plans received 30/01/13) – The Colliers Arms Public House, Ynyscynon Road, Trealaw, Tonypany – for a site inspection to be attended by the Chairman and Vice-Chairman of the Development Control Committee and a Member of the largest Opposition Group in consultation with the Local Member for Trealaw and that a report thereon be submitted to the next appropriate meeting of the Committee for consideration.

(**Note:** County Borough Councillor J.Rosser requested the above-mentioned site inspection for the substantial reason, to consider issues concerning highways, parking and access)

- (2) To approve the under-mentioned applications in accordance with the recommendations of the Service Director, Planning:

13/1172 – Change of use from car sales to car wash and car sales retrospectively – Riverside Garage, Cardiff Road, Taffs Well

13/1232 – Projected conservatory 4.5 x 3.5 metres (amended plans received 21/01/2014) – 8 Brook Terrace, Llanharan

14/0069 – Single storey rear extension to create an enlarged kitchen-diner – 5 The Rise, Cwmdare, Aberdare

- (3) To approve application no.**13/1348** – Erection of a two storey four bedroom house (amended plan received 05/02/2014) – Rear of Nos.57-63 Hendrecafn Road, Penygraig – in accordance with the recommendation of the Service Director, Planning subject to the imposition of an additional condition requiring excess spoil to be removed from the site.
- (4) To defer application no.**13/1267** – Erection of two dwellings – Site of former 7.8 & 9 Cambrian Terrace, Llwynypia – for a site inspection to be attended by the Chairman and Vice-Chairman of the Development Control Committee and a Member of the largest Opposition Group in consultation with the Local Member for Llwynypia and that a report thereon be submitted to the next appropriate meeting of the Committee for consideration.

(**Note:** County Borough Councillor (Mrs) S.J.Jones requested the above-mentioned site inspection for the substantial reason, to consider the impact of the proposal on the surrounding area and highways issues).

DEFERRED APPLICATIONS

196 APPLICATION NO.10/0792 – OUTLINE APPLICATION FOR 77 NO. DWELLINGS AT YNYSCYNON FARM, CWMBACH

With reference to Minute No.97(Development Control Committee, 20 September 2012) when Members resolved to approve the above-mentioned application in accordance with the Officer's recommendation subject to the applicant entering into a Section 106 agreement, the Service Director, Planning provided the Committee with an update regarding the requirements of the Section 106 agreement. He reported that alterations to the Cwmbach Primary School had been completed and the School now had the capacity to accommodate the pupils that this development would create. As such, it was considered unreasonable to insist on the £12,257 per additional pupil financial contribution towards education as there was capacity to accommodate these pupils within the extended School. It was, therefore recommended that the requirement to provide an education provision be removed from the Section 106 agreement.

The Applicant's Agent had also indicated that his view was that the transport tariff should not be applied as he is of the view that it did not meet the tests set down in the Community Infrastructure Levy Regulation 122. The Service Director, Planning gave his views on the Agent's opinion and informed Members that he remained of the view that the requirement to pay a transport tariff remained valid. It was, therefore, recommended that the transport tariff remained within the requirements of the Section 106 agreement associated with the development of the site.

Following consideration of the matter, it was **RESOLVED** to agree to remove from the Section 106 agreement, the requirement to provide an educational contribution of £12,257 for each new primary school pupil that the development would generate but not to agree to the removal of the transport tariff requirement, in accordance with the recommendation of the Service Director, Planning.

197 APPLICATION NO.12/0037 – RECYCLING FACILITY FOR THE STORAGE AND PROCESSING OF INERT MATERIALS FROM CONSTRUCTION AND DEMOLITION ACTIVITIES AND THE OPERATION OF A COMMUNITY RECYCLING CENTRE (REVISED DESCRIPTION, AMENDED DETAILS, AMENDED PLANS AND ENVIRONMENTAL INFORMATION RECEIVED 16 & 30/12/12) – LAND ADJACENT TO GLANMYCHYDD FACH FARMHOUSE, LLANTRISANT

(**Note:** Having earlier declared a personal and prejudicial interest in the above-mentioned application (Minute No.187(2) refers), County Borough Councillor A.Morgan spoke on the proposal and then left the meeting before the debate).

With reference to Minute No.279(1) (Development Control Committee, 16 May 2013) when Members were minded to approve the above-mentioned application subject to the applicant entering into a Section 106 agreement to ensure the provision of a Community Recycling Centre and on site welfare facilities prior to occupation of the remaining works and to additional ecological survey work and a revised noise report, contrary to the Officer's recommendation because they considered the siting of the proposal would be accessible off the A4119, the development would provide a much needed waste management facility within the area and would not impact upon the residential amenity of local properties as the site was situated away from residential properties with strict pollution controls in place, the Service Director, Planning responded to Members' request for additional information to accompany the application.

The additional information provided by the applicant had been subject to further consultation with relevant Council service areas and neighbour notification and the formal comments received were outlined in the report.

The Service Director, Planning gave his views on the reasons put forward by Members to approve the application contrary to his recommendation.

Members were informed that if they were still minded to approve the application, it was recommended that rather than require the applicant to enter into a Section 106 agreement to ensure that the provision of a Community Recycling Centre and on site welfare facilities occurred prior to occupation of the inert recycling facility, this would be more appropriately secured by a Grampian condition. He also suggested the conditions listed in his report be attached to any consent granted.

The Development Control Manager then reported orally on the following “late” letters received in respect of the proposal:

- i. a letter of objection received from The Royal Mint Limited at Llantrisant stating that the application should be refused because it was contrary to policies CS9 and AW2 of the LDP; contrary to guidance contained within TAN21; inadequate consideration of alternative sites and the impact upon the security of The Royal Mint Site;
- ii. a letter from the Applicant’s Agent requesting:
 - (a) that proposed conditions 12, 22,23, 26, 27, 30 and 31 be re-worded to allow those conditions to be discharged prior to beneficial occupation of the site and not the commencement of the development.
 - (b) consequential amendments to Conditions 2 and 8.
 - (c) the removal of Condition No.27 requiring a structural report of the Nant Muchedd Bridge.

In response to the above requests, the Development Control Manager stated that there was no objection to requests (a) and (b). However, the request that Condition no.27 be removed was not accepted and should remain as part of the conditions.

The Development Control Manager also reported orally that included within the report was mention of the requirement for the application to be referred to the Welsh Government as part of the procedural regulations, however, it had now been concluded that it did not need to be referred to the Welsh Government and any decision taken by the Committee regarding the proposal would be final.

Following a discussion, it was **RESOLVED** contrary to the recommendation of the Service Director, Planning for the same reasons put forward at the Development Control Committee on 16 May 213, to approve the application without the requirement for the applicant to enter into a Section 106 agreement but subject to the conditions listed in the report as requested by the applicant with the exception of the request to remove Condition No. 27 which is to remain, for the reasons outlined in the report.

198 APPLICATION NO.13/1363 – CHANGE OF USE FROM NURSING HOME TO GUEST HOUSE, ABBEYFIELD SOCIETY, 115 HIGH STREET, MOUNTAIN ASH

Pursuant to Minute No. 178(4) (Development Control Committee, 6 February 2014) when Members were minded to refuse the above-mentioned application contrary to the Officer’s recommendation because they considered there was insufficient parking provision and no turning point within the site to allow vehicles to leave in forward gear, the Service Director, Planning gave his

views on the proposal and stated that if Members were still minded to refuse the application, the reasons outlined in his report reflected their views.

RESOLVED contrary to the recommendation of the Service Director, Planning, to refuse the application for the following reasons:

The proposed development is considered to be contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan as it would result in an adverse impact upon highway safety in the vicinity of the application site for the following reasons:

1. The proposed development would generate vehicular reversing movements in close proximity to the nearby road junction to the detriment of highway safety.
2. In the absence of adequate off-street car parking facilities, the proposed development would generate additional on-street parking in an area where there is already considerable demand, causing hazards to the detriment of safety to all highway users and free flow of traffic.

**199 OBSERVATIONS REQUESTED BY A NEIGHBOURING AUTHORITY
APPLICATION NO.13/1362 – ERECTION OF A SINGLE 0.5MW WIND
TURBINE (UP TO 77M BLADE TIP HEIGHT) WITH ASSOCIATED ACCESS
TRACK, CRANE, HARDTANDING, SUBSTATION/TRANSFORMER AND
BOUNDARY FENCING – LAND TO THE NORTH EAST OF GLAEN
MORLAIS FARM, PENGARNDU, MERTHYR TYDIL**

In his report, the Service Director, Planning sought observations on the above-mentioned application which was to be determined by Merthyr Tydfil County Borough Council and following consideration thereof, it was **RESOLVED** to raise no objection to the proposal.

200 INFORMATION REPORT

In his report, the Service Director, Planning set out details of delegated decisions (approvals and refusals) for the period 7 February – 21 February 2014 and it was **RESOLVED** to note the information.

R.B.McDONALD
CHAIRMAN

The meeting terminated at 6.15 p.m.