

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting of the Development Control Committee held at The Pavilions, Clydach Vale on Thursday, 16 July 2015 at 5 p.m.

PRESENT

County Borough Councillor G.Stacey – in the Chair

County Borough Councillors

L.M.Adams	C.J.Middle	G.P.Thomas
(Mrs) L.De Vet	S.G.Powderhill	(Mrs) J.S.Ward
M.Griffiths	S.Rees	P.Wasley
P.Jarman	(Mrs) A.Roberts	M.J.Watts
(Mrs) S.J.Jones	G.Smith	E.Webster

Non-Committee Members in Attendance:

County Borough Councillors D.R.Bevan, (Mrs) M.E.Davies, J.Elliott and R.K.Turner

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 – Head of Legal - Planning & Environment
Mr.A. Stone – Strategic Projects Manager
Mr.A.Rees – Senior Engineer

24 APOLOGIES FOR ABSENCE

Apologies for absence were received from County Borough Councillors J.Bonetto and R.Lewis.

25 DECLARATIONS OF INTEREST

The following declarations of personal interests in matters pertaining to the agenda were received from:

- (1) County Borough Councillor S.G. Powderhill – Application No.15/0174 – Detached Garage – The Windrush, 69 Lanpark Road, Pontypridd – “The applicant is known to me”.

(2) County Borough Councillor G.Smith – Application No.15/0576 – Engineering operations to construct a surface water drainage scheme to serve 21 no. Residential Dwellings – Land at Pleasant Heights, Porth – “A member of my immediate family is an objector, it is also a prejudicial interest and I will leave the meeting for this item”.

(3) County Borough Councillor P.Wasley – Application No.15/0576 – Engineering operations to construct a surface water drainage scheme to serve 21 no. Residential Dwellings – Land at Pleasant Heights, Porth – “I lived and built No.114 Turberville Road, mentioned in the report, and I know neighbours”.

26 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 the Human Rights Act 1998.

27 MINUTES

RESOLVED to approve as an accurate record, the minutes of the meeting of the Development Control Committee held on 18 June 2015.

28 REQUESTS FOR SITE INSPECTIONS

RESOLVED –

(1) To defer Application No.15/0576 – Engineering operations to construct a surface water drainage scheme to serve 21 no. residential dwellings – Land at Pleasant Heights, Porth - for a site inspection to be undertaken by the Development Control Committee for the substantial reason, to consider highways, health and safety and land drainage issues.

(Note: In view of the decision to defer the above-mentioned application, the Chairman informed the person present to address Members on the application that if he wished to speak when the matter was next reported to the Committee, he would have to submit a fresh request to do so).

(2) To defer Application No.15/0581 – Outline planning for 1 no. Detached bungalow and 16 no. Semi-detached bungalows (8 no. Pairs), off road

parking, access road and associated works – Former Cwmbach Infants School, Bridge Road, Cwmbach, Aberdare – for a site inspection to be undertaken by the Development Control Committee for the substantial reason, to consider the impact of the proposal on the area, access and highways issues.

29 APPLICATIONS RECOMMENDED FOR APPROVAL

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

The Development Control Manager provided oral updates on the following applications:

- (a) Application No.11/1431 – Commercial development (Phase III) comprising 3 buildings (Use Classes B1, B2 and B8) and 1 unit (Use Class A3) (Amended information received 05/05/15) – Former Hepworths Site, Coedcae Lane, Pontyclun - the Transportation Section and Flood Risk Management had now confirmed they had no objections in respect of the proposal subject to conditions. It was, however, necessary to amend the wording of suggested Condition No.3 to reflect comments received from the Transportation Section.
- (b) Application No.15/0174 – Detached Garage – The Windrush, 69 Lanpark Road, Pontypridd – it was necessary to add conditions to require the proposed garage be set back 1 metre.

Following consideration of the applications before them, Members **RESOLVED –**

- (1) To approve Application No.11/1431 – Commercial development (Phase III) comprising 3 buildings (Use Classes B1, B2 and B8) and 1 unit (Use Class A3) (amended information received 05/05/15) – Former Hepworths Site, Coedcae Lane, Pontyclun – in accordance with the recommendation of the Service Director, Planning subject to Condition No.3 being amended to read as follows:

“(3) No development shall commence until full engineering details of the access road layout, car parking and vehicular circulation areas and turning facilities including sections, street lighting, surface water drainage details with oil and petrol separators and tie-in with the highway access serving the preceding phase of development at this site have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the commencement of beneficial occupation. The parking and turning areas shall not

thereafter be used for any purposes other than parking and turning of vehicles.

Reason: In the interests of highway safety and to prevent pollution of the water environment (the site lies on a secondary aquifer of high vulnerability and drainage ditches on site feed the Nant Melyn) in accordance with Policy AW5 and Policy AW10 of the Rhondda Cynon Taf Local Development Plan.”

- (2) To approve Application No.15/0033 – Construction of coach/bus servicing depot and ancillary parking – External wash down area – Unit B13, Taffs Fall Road, Treforest Industrial Estate, Pontypridd – in accordance with the recommendation of the Service Director, Planning subject to the applicant first entering into a Section 106 Agreement to make a financial contribution in the sum of £5,000 towards the costs associated with the introduction of parking restrictions along the section of Taffs Fall Road fronting the development site to mitigate the impact of the development upon highway and pedestrian safety.

- (3) To approve Application No.15/0174 – Detached Garage – The Windrush, 69 Lanpark Road, Pontypridd – in accordance with the recommendation of the Service Director, Planning subject to the following additional Conditions being imposed:-

“8. The garage shall be set back not less than 1 meter from the site boundary (to ensure that the doors do not open out beyond the curtilage of the site).

Reason: To prevent obstruction to the public highway, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. Before the garage is brought into use, the garage entrance apron shall be constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority, before any development commences on site.

Reason: In the interests of highway safety and to prevent damage to the public highway and utility services in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.”

- (4) To approve Application No.15/0189 – Replacement dwelling for Bryn Ysgol & Ty Mizpah and change of use of land to domestic garden cartilage (Outline) (amended description 22/04/15) – Bryn Ysgol, Penrhiwfer Road, Penrhiwfer, Tonypany – in accordance with the recommendation of the Service Director, Planning.

(5) To approve Application No.15/0237 – Demolition of former Working Men’s Club and redevelopment of the site for 6 flats, parking, access arrangements, landscaping and associated works (revised plans received 15 June 2015) – Cymmer Pioneer Working Men’s Club, 20-21 High Street, Cymmer, Porth – in accordance with the recommendation of the Service Director, Planning.

(**Note:** County Borough Councillor M.J.Watts declared a personal interest in respect of the above-mentioned application – “I am a member of the Board of the R.H.A.”)

(6) To approve Application No. 15/0615 – Variation of Condition 7 of planning application 13/1107/10 to alter the proposed materials – Former Royal Hotel Public House, Brithweunydd Road, Trealaw, Tonypany – in accordance with the recommendation of the Service Director, Planning subject to the applicant first entering into a Deed of Variation of the original Section 106 Agreement to link the consents and ensure the following requirements are provided and complied with:-

- 10% affordable housing
- That the applicant undertakes to pay all reasonable costs associated with the preparation of the legal agreement.

(**Note:** County Borough Councillor M.J.Watts declared a personal interest in the above-mentioned application – “I am a member of the Board of the R.H.A.”)

DEFERRED APPLICATIONS

30 APPLICATION NO.08/1575 – RENEWAL OF OUTLINE PLANNING PERMISSION (03/1273) FOR RESIDENTIAL DEVELOPMENT – THE OLD GRANARY AND POST OFFICE, FARM ROAD, ABERAMAN, ABERDARE

In his report, the Service Director, Planning reported that the above-mentioned application was originally reported to the Development Control Committee on 23 June 2011 when Members resolved to approve the application subject to the applicant entering into a Section 106 Agreement to secure a transport tariff contribution towards improving the strategic highway network and 10% of the total number of units being made available for low cost home ownership.

For the reasons outlined in his report, it had not been possible to complete the Section 106 Agreement and as the Community Infrastructure Levy

(CIL) was introduced by the Council on 31 December 2014, it was no longer lawful to secure funding for infrastructure works which would be funded by CIL. Accordingly, it would be inappropriate to pursue the Transport Tariff contribution originally requested.

Following consideration of the report, it was **RESOLVED** to approve the application without the requirement to pay a Transport Tariff contribution but subject to the conditions outlined in the original report and the applicant first entering into a Section 106 Agreement to secure 10% of the total number of units being made available for low cost home ownership.

31 APPLICATION NO.11/0410/15 – RENEWAL OF OUTLINE PLANNING PERMISSION (05/1878) – PROPOSED RESIDENTIAL DEVELOPMENT – LAND BETWEEN MANCHESTER PLACE/LANGLAND CLOSE (NIDUM FACTORY SITE), HIRWAUN

In his report, the Service Director, Planning outlined the background to the above-mentioned matter and referred to the decision taken by the Committee at its meeting on 14 May 2015 (Minute No.206 refers) to approve the application subject to conditions and a Section 106 agreement to secure a Transport Tariff contribution towards improving the strategic highways network, 10% of the total number of units being made available for social rent and a contribution towards the improvement of existing outdoor play facilities in the area at a rate of £1000 per unit

The Service Director, Planning informed the Committee that the pursuit of a Transport Tariff contribution would be inappropriate following the introduction of the Community Infrastructure Levy (CIL) on 31 December 2014 as it was no longer lawful to secure funding for infrastructure works which would be funded through CIL and following discussions with the Legal Department, it had been noted that the original Head of Terms required the provision of 10% of the units being made available for social rent but this did not correlate with the provision negotiated for the site with the developer and the draft Agreement previously sent to and agreed with the applicant's Solicitors which referred to the provision of 2 No. 2 bedroom low cost home ownership units (in accordance with the original recommendation of the Housing Strategy Section).

In the circumstances, Members were requested to approve the application subject to conditions and a Section 106 Agreement with revised Heads of Terms to include the provision of 2 No.2 bedroom low cost home ownership units, as outlined the report.

Following a discussion, it was **RESOLVED** not to accede to the request to revise the terms of the Section 106 agreement with regard to the provision

of affordable housing in the form of low cost house ownership units but to remove the requirement to pay the Transport Tariff contribution and approve the application subject to conditions and to the applicant first entering into a Section 106 Agreement to secure

- 10% of the total number of units being made available for social rent; and
- A contribution towards the improvement of existing outdoor play facilities in the area at a rate of £1000 per unit.

32 APPLICATION NO.13/0447/10 – RESIDENTIAL DEVELOPMENT TO CREATE 23 NO. HOUSES (AMENDED PLANS RECEIVED 08.07.13) – FORMER WILLIAMSTOWN PRIMARY SCHOOL, ARTHUR STREET, WILLIAMSTOWN, TONYPANDY

In his report, the Service Director, Planning informed the Committee that the above-mentioned application was originally reported to its meeting held on 5 December 2013 (Minute no.142(2) refers) when it was resolved to approve the application subject to the applicant entering into a Section 106 Agreement, the terms of the Agreement were listed in the report.

The Service Director, Planning advised that as the Community Infrastructure Levy was introduced by the Council on 31 December 2014, it was no longer lawful to pursue the previous requirement for a Transport Tariff contribution.

The Committee was, therefore, requested to approve the application without the Transport Tariff contribution originally required under the Section 106 Agreement.

Following consideration of the matter, it was **RESOLVED** in accordance with the recommendation of the Service Director, Planning, to approve the application subject to conditions and the applicant first entering into a Section 106 Agreement to secure:

1. Countryside and Leisure (Parks) – a commuted sum of £30,000 for future maintenance of the play area should it be adopted
2. Provision of 2 affordable housing units in the site made available for sale as Low Cost Home Ownership
3. That the applicant undertakes to pay all reasonable costs associated with the preparation of the legal agreement.

33 APPLICATION NO.10/0845/34 – COMPREHENSIVE DEVELOPMENT COMPRISING RESIDENTIAL DEVELOPMENT OF UP TO 1,850 DWELLINGS; NEIGHBOURHOOD CENTRE TO INCLUDE CLASS D1 AND D2 COMMUNITY/LEISURE FACILITIES, CLASS D1 MEDICAL

**CENTRE, CLASS D1 PRIMARY SCHOOL, CLASS A1, A2 AND A3
RETAIL/SERVICES/FOOD AND DRINK FLOORSPACE; B1 OFFICE
/COMMERCIAL FLOORSPACE; NEW DRAINAGE, SERVICES,
TRANSPORT AND HIGHWAYS INFRASTRUCTURE, STRATEGIC
LANDSCAPE AREAS AND PUBLIC OPEN SPACE (ALL MATTERS
RESERVED). FULL DETAILS OF NEW SPINE ROAD AND ACCESS
ONTO A473, DRAINAGE INFRASTRUCTURE AND THE CREATION OF
DEVELOPMENT PLATEAUS TO SERVE THE FIRST PHASE OF THE
DEVELOPMENT (AMENDED PLANS AND SUPPLEMENTARY
ENVIRONMENTAL INFORMATION (SEI) RECEIVED 13 JUNE 2011)
(FURTHER AMENDED PLANS AND UPDATED DAS RECEIVED 21
JUNE 2011) – LAND AT FORMER OPEN CAST COAL SITE AND LAND
TO THE NORTH OF THE A473, LLANILID**

In his report, the Service Director, Planning reported that the above-mentioned application was approved by the Development Control Committee on 10 November 2011 subject to a Section 106 Agreement but this Agreement was not completed before the implementation of the Community Infrastructure Levy (CIL). The Committee was, therefore, asked to reconsider the application under the CIL regime where certain elements of the previously drafted Section 106 Agreement were in effect replaced by CIL.

Following consideration of the up to date position in this matter, it was **RESOLVED** in accordance with the recommendation of the Service Director, Planning to approve the application subject to:

- the 50 recommended conditions as set out in the report (in two sets, ie firstly those being applicable to the ‘full’ element of the application and secondly, those being applicable to the ‘outline’ element of the application) .
- the applicant (and other party/parties with an interest in the land) first entering into a legal agreement under Section 106 of the Town and Country Planning Act in order to secure a minimum package of Planning Obligation/s contributions, comprising the following:
 1. the payment of a Local Roads Contribution (to BCBC) of £170,000;
 2. the payment of a ‘Rail Contribution’ (to Network Rail) of £350,000;
 3. the Leisure/Recreation/Open Space and Ecology/Biodiversity package of provision, mitigation and management required as detailed in APPENDIX A;
 4. that Affordable Housing be provided across the whole site at a minimum level of 10% (185 units) as detailed in APPENDIX A;

5. the transfer of an appropriate area of land for the construction of the primary school together with the necessary services;
6. the provision of two sports pitches and appropriate changing facilities.

and that the Agreement must be signed and completed within six months of the date of planning permission, if not, the matter be reported back to the Development Control Committee for further consideration.

- a robust mechanism and timescale for the early delivery of CIL payments to ensure a new primary school can be constructed for the development.
- the Service Director, Planning being granted authority to add, amend or vary any condition before the issuing of the planning permission, providing that such changes do not affect the nature of the permission or development.
- the Service Director Planning being granted authority to enter into further discussions with the applicant (and/or their agents/representatives) in order to negotiate further the level, scope, delivery and phasing of Planning Obligations contributions to be secured by the proposed development. On conclusion of these further discussions, if the level of required mitigation provision (or financial contribution) identified above has not be agreed, a further report be brought back to a future meeting of this Committee confirming the outcome of those further negotiations.

34 INFORMATION REPORT

In his report, the Service Director, Planning set out details of planning and enforcement appeals decisions received, delegated decisions (approvals and refusals with reasons), an overview of enforcement cases and enforcement delegated decisions for the period 22 June – 3 July 2015 and following consideration of the report, it was **RESOLVED** to note the information.

**G.STACEY
CHAIRMAN**

The meeting terminated at 5.35 p.m.

These minutes are subject to approval as an accurate record at the next appropriate meeting of the Development Control Committee