

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, 15 October 2015 at 5 p.m.

PRESENT

County Borough Councillor G.Stacey – in the Chair

County Borough Councillors

L.M.Adams	(Mrs) S.J.Jones	(Mrs) J.S.Ward
J.Bonetto	S.Powderhill	P.Wasley
M.Griffiths	G.Smith	M.J.Watts
P.Jarman	G.P.Thomas	

Non-Committee Members in Attendance:

County Borough Councillors C.Leyshon, R.B.McDonald, A.Morgan, S.Pickering and R.W.Smith

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.Rees – Senior Engineer

70 APOLOGIES FOR ABSENCE

Apologies for absence were received from County Borough Councillors (Mrs) L.De Vet and R.Lewis.

71 DECLARATIONS OF INTEREST

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

- (a) County Borough Councillor M.J.Watts in respect of Application No.15/0795 – Demolition of Existing Buildings on site and the construction of 14 no. Affordable residential dwellings – Ty Gwyn Physiological Centre, Land to the West of Seaton Street, Pontypridd –

“I am a member of the Board of Rhondda Housing Association, it is also a prejudicial interest and I will leave the meeting for this item.”

- (b) County Borough Councillor P.Wasley in respect of Application No.15/0474/16 – Residential Development of 225 homes with parking and open space (Reserved Matters) – Land at Parc Eirin, Wilfried Way, Tonyrefail – “I have a close family member living nearby”.
- (c) County Borough Councillor P.Jarman in respect of Application No.15/0667 – Remove existing 2 no. Ground floor level portacabin units at the rear of the surgery building and replace them with 12 no. portacabins (6 no. at ground floor and 6 no. above). The 12 no. portacabin units to be used as additional working floorspace for the Cynon Vale Medical Practice in conjunction with the existing surgery and retained for a temporary period of no more than 3 years (amended plans received 22 June and 15 July 2015) (Revised description of development 28 July 2015) – Cynon Vale Medical Practice, 8 Cardiff Road, Mountain Ash – “I declined an invitation to meet with the Practice Manager and advised him to take planning advice from the Planning Department”.
- (d) County Borough Councillor (Mrs) J.S.Ward in respect of Application No.156/0667 – Remove existing 2 no. Ground floor level portacabin units at the rear of the surgery building and replace them with 12 no. portacabins (6 no. at ground floor and 6 no. above). The 12 no. portacabin units to be used as additional working floorspace for the Cynon Vale Medical Practice in conjunction with the existing surgery and retained for a temporary period of no more than 3 years (amended plans received 22 June and 15 July 2015) (Revised description of development 28 July 2015) – Cynon Vale Medical Practice, 8 Cardiff Road, Mountain Ash- “I am a patient at the Cynon Vale Medical Practice”.

A personal interest was also declared by Non-Committee Member – County Borough Councillor A.Morgan – in respect of Application No.156/0667 – Remove existing 2 no. Ground floor level portacabin units at the rear of the surgery building and replace them with 12 no. portacabins (6 no. at ground floor and 6 no. above). The 12 no. portacabin units to be used as additional working floorspace for the Cynon Vale Medical Practice in conjunction with the existing surgery and retained for a temporary period of no more than 3 years (amended plans received 22 June and 15 July 2015) (Revised description of development 28 July 2015) – Cynon Vale Medical Practice, 8 Cardiff Road, Mountain Ash – “I have met with the LHB and Officers about the potential development of surgeries in the area”.

72 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.

73 MINUTES

RESOLVED to approve as an accurate record, the minutes of the meeting of the Development Control Committee held on 17 September 2015.

74 REQUESTS FOR SITE INSPECTIONS

RESOLVED to defer application no. **15/0946** – Change of use from Police Station to a supported living home offering both a shared 3 bedroom bungalow and 2 self contained flats connected via a staff room – Cynon Valley Crime Reduction Services Ltd, Windsor Street, Trecynon, Aberdare – for a site inspection to be undertaken by the Development Control Committee for the substantial reason, to consider highways concerns regarding the proposal.

(**Note:** The Chairman informed the members of the public present to address Members on the proposal that if they wish to speak when the matter was next reported to the Committee, they would have to submit new requests to do so)

75 CHANGE 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.

76 DEFERRED APPLICATION

Application No.15/0667 – Remove existing 2 no. ground floor level portacabin units at the rear of the surgery building and replace them with 12 no. portacabins (6 no. at ground floor and 6 no. above). The 12 no. portacabin units to be used as additional working floorspace for the Cynon Vale Medical Practice in conjunction with the existing surgery and retained for a temporary period of no more than 3 years (amended plans received 22 June and 15 July 2015) (Revised description of development 28 July 2015) – Cynon Vale Medical Practice, 8 Cardiff Road, Mountain Ash

Pursuant to Minute No.63(2) (Development Control Committee, 17 September 2015) when, contrary to Officer recommendation, the Committee was minded to refuse the above-mentioned application because they considered the proposed addition was unsuitable by reason of its design and that due to a lack of parking there was the potential for congestion and highway problems, the Service Director, Planning provided Members with a report containing the strengths and weaknesses of taking a decision contrary to his recommendation.

The report also included details of a letter and email with two photographic images received from the Practice Manager of the Cynon Valley Medical Practice regarding the proposal.

In accordance with adopted procedures, Non-Committee Member – County Borough Councillor A.Morgan – addressed Members and urged them to support allowing a 12 months temporary consent for the above-mentioned development during which time further discussions would take place with the Local Health Board with a view to finding more suitable accommodation in the area.

Following lengthy consideration of the matter, it was **RESOLVED** to approve the application for a temporary period of 12 months only subject to the conditions listed in Appendix A to the report and subject to Condition No.1 being amended to 12 months rather than 3 years and to an additional Condition No.7 being imposed requiring a scheme to treat and control the Japanese Knotweed, as set out in Appendix B.

77 SITE VISIT INVOLVING PUBLIC SPEAKERS

Application No.15/0795 – Demolition of Existing Buildings on site and the construction of 14 no. affordable residential dwellings – Ty Gwyn Physiological Centre, Land to the West of Seaton Street, Pontypridd

(Note: Having previously declared and personal and prejudicial interest in the above-mentioned application (Minute No.71(a) refers), County Borough Councillor M.J.Watts left the meeting for this item)

In accordance with adopted procedures, the Committee received Ms.L.Hughson-Smith (Applicant's Agent), Ms.A.Johns (Objector), Ms.C.Harry (Objector) and Mr.J.Sullivant (Objector), each being afforded five minutes to address Members on the above-mentioned proposal. The Applicant's Agent declined the invitation to respond to the Objectors' comments.

Non-Committee/Local Members – County Borough Councillors C.Leyshon and R.W.Smith also addressed the Committee to outline their concerns about the proposed development regarding the 3-storey element of the design and its impact on the surrounding area/neighbours and traffic issues.

In his report, the Director, Legal & Democratic Services reported on the outcome of a site inspection undertaken by the Committee on 29 September 2015 to consider highway and environmental impact issues regarding the proposal which was recommended for approval by the Service Director, Planning subject to conditions and the applicant first entering into a Section 106 Agreement to ensure that all of the properties were retained for social rented purposes in perpetuity.

The Development Control Manager reported orally that since compiling the report, a response had been received from GGAT requesting that, if Members were minded to approve the application, that additional conditions be imposed requiring the applicant to carry out and submit a photographic survey of the original building. In addition, the Development Control Manager reported minor alterations required to the wording of suggested Conditions Nod.11 & 12 requiring boundary treatment, a tree survey and a Wildlife and Tree Protection Plan.

Following lengthy consideration of the impact of the proposed development on the locality, it was **RESOLVED** to defer the application to enable further consultation to take place between the Developer, Council Offices, local Councillors and local residents on the proposed plans for the site.

78 APPLICATION RECOMMENDED FOR APPROVAL INVOLVING PUBLIC SPEAKERS

Application No.13/0901 – Installation and operation of a solar farm and associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras for the life of the solar farm (amended plans/details received 17 February 2015) – Farmhouse, Penrhiw Cradoc Farm, Llanwonno Road, Mountain Ash

In accordance with adopted procedures, the Committee received Mr.B.Clarke (Agent) and Ms.S.Williams (Supporter), each being afforded five minutes to address Members on the above-mentioned proposal.

Non-Committee Member – County Borough Councillor S.Pickering – also addressed the Committee expressing concerns about the proposed development.

The Development Control Manager referred Members to Page 51 of the Planning Report and a correction required in respect of the ‘community benefit’ being offered by the applicant as part of the development (if approved). The applicant had offered £500 per MW built per annum indexed for the life of the project and not £1,000 as stated in the report. Members were advised that this was being reported for information only as it was not a material planning consideration.

The Development Control Manager also explained the necessity for a Section 106 Agreement (if approved) in respect of the Habitat Management Plan and species mitigation measures for the life of the solar farm (if longer than 25 years) as opposed to imposing a condition in this regard.

Following consideration of the proposal, it was **RESOLVED** to approve the application in accordance with the recommendation of the Service Director, Planning subject to the applicant first entering into a Section 106 Agreement under the following Heads of Terms:

“Full details of the Habitat Management Plan (HHMP) and specific es mitigation measures for the life of the solar farm (if longer than 25 years). These measures should include:

- (a) A plan showing the location of the Management Area and areas of species mitigation and monitoring
- (b) Details of habitat management, restoration and monitoring programme
- (c) Details of ecological or hydrological assessment work to advise the HMP
- (d) Details of site management, habitat restoration and access infrastructure
- (e) Establishment of a HMP Committee (to include invitations to RCT and NRW (or its successor body)
- (f) Details of the process and procedure of reviewing and up-dating the Management Plan during the 25 year management period
- (g) Details of habitat monitoring provision
- (h) Public access and safety provisions
- (i) Litter and rubbish treatment
- (j) Stock proof fencing and field gate provision and maintenance
- (k) Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually)

- (l) Personnel responsible for implementation of the plan and the details and confirmation of provision of the Environmental Liaison Officer position and post
- (m) Remedial measures triggered by monitoring (including annual monitoring and update reports to Management Committee)
- (n) Details of any species licensing requirements from the Welsh Government

The works shall be implemented in accordance with the approved details and timing of works, unless otherwise approved in writing by the local planning authority.”

79 APPLICATIONS RECOMMENDED FOR APPROVAL

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

In respect of Application No.15/1010 – Change of use of land from public open space to residential garden cartilage associated with Plot 46 (retrospective) – Land at Alexon House, Cardiff Road, Hawthorn, Pontypridd and Application No.15/1073 – Change of use of land from public open space of residential garden cartilage associated with Plot 47 (retrospective) (amended site location plan received 08/09/15) – Land at Alexon House, Cardiff Road, Hawthorn, Pontypridd – the Development Control Manager reported orally on “late” letters received from objectors and supporters of the applications.

Following consideration of the matters before them, the Committee Members **RESOLVED** to approve the under-mentioned applications in accordance with the recommendations of the Service Director, Planning:

15/1010 – Change of use of land from public open space to residential garden cartilage associated with Plot 46 (retrospective) – Land at Alexon House, Cardiff Road, Hawthorn, Pontypridd

15/1073 – Change of use of land from public open space to residential garden cartilage associated with Plot 47 (retrospective) (amended site location plan received 08/09/15) – Land at Alexon House, Cardiff Road, Hawthorn, Pontypridd

15/1213 – A new underground gas pipeline to bring natural gas from the existing national transmission system gas pipeline at a point near the A4061 at which an above ground installation and vehicle access will be developed to a point on Main Avenue to connect to and facilitate development authorised by the Hirwaun Generating Station Order 2015 – Units 1 – 4 Hirwaun Industrial Estate, (land at and south of) Main Avenue, Hirwaun, Aberdare

DEFERRED APPLICATIONS

80 APPLICATION NO.15/0474/16 – RESIDENTIAL DEVELOPMENT OF 225 HOMES WITH PARKING AND OPEN SPACE (RESERVED MATTERS) – LAND AT PARC EIRIN, WILFRIED WAY, TONYREFAIL

Pursuant to Minute No.55(2) (Development Control Committee, 20 August 2015) the Service Director, Planning, in his report, provided Members with information regarding the likely impact of the proposed development on the ecology of the site, the use of three-storey homes, the use of swales as a drainage mechanism to serve the development and the consultation response from the Police Authority in respect of the proposal.

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

(**Note:** County Borough Councillor P.Wasley wished to have recorded that he voted to refuse the above-mentioned application.

Note: County Borough Councillor S.Powderhill wished to have recorded that he did not vote as he was not present for the whole debate).

81 APPLICATION NO.15/0087 – TWO STOREY EXTENSION AND REAR DORMER WINDOW TO EXISTING HOUSE (AMENDED PLAN AND DESCRIPTION RECEIVED 11/05/2015) – 115 QUEEN STREET, TREFOREST, PONTYPRIDD

Pursuant to Minute No.66(1) (Development Control Committee, 17 September 2015) when Members were minded to refuse the above-mentioned application contrary to Officer recommendation because they considered there to be insufficient parking spaces available near the property and the noise generated would have a detrimental impact on amenity, the Service Director, Planning gave his views on the reasons put forward for refusing the application.

Following consideration of the matter, it was **RESOLVED** contrary to the recommendation of the Service Director, Planning, to refuse the application for the following reason:

“The development would be a too intensive form of residential development resulting in noise and disturbance issues and increased parking demand that would have a significant detrimental impact on the amenity of surrounding residents. As such the development would be contrary to Police AW5 of the Rhondda Cynon Taf Local Development Plan.”

82 APPLICATION NO.15/0258 – SINGLE STOREY EXTENSION AND REAR DORMER WINDOW TO EXISTING HOUSE – 1 MEADOW STREET, TREForest, PONTYPRIDD

Pursuant to Minute No.66(2) (Development Control Committee, 17 September 2015) when Members were minded to refuse the above-mentioned application contrary to Officer recommendation because they considered there to be insufficient parking spaces available near the property and the noise generated would have a detrimental impact on amenity, the Service Director, Planning gave his views on the reasons put forward to refusing the application.

Following consideration of the report, it was **RESOLVED** contrary to the recommendation of the Service Director, Planning to refuse the application for the following reason:

“The development would be a too intensive form of residential development resulting in noise and disturbance issues and increased parking demand that would have a significant detrimental impact on the amenity of surrounding residents. As such the development would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

**83 ENFORCEMENT OF PLANNING CONTROL
ENFORCEMENT NO.14/00405 – CHANGE OF USE TO ANIMAL RESCUE CENTRE AND ERECTION OF TIMBER CATTERY – WONKY TOWERS, GLYNDWR, DARREN-DDU ROAD, GLYNCOCH, PONTYPRIDD**

(**Note:** At this point in the proceedings, County Borough Councillor S.Powderhill declared a personal interest in the above-mentioned matter stating “My Sister lives close by and I will take no part in this matter”)

In his report, the Service Director, Planning outlined the background to the above-mentioned matter and reported on the recommended way forward owing to the fact that the use of the premises as an animal rescue centre was not compatible with the surrounding area.

Members noted that the premises was in close proximity to neighbouring properties and had generated a number of complaints in respect of the increase in vehicle movements, noise, smell and disturbance and following consideration of the report, it was **RESOLVED** –

- (1) To initiate enforcement action under the provisions of Section 172 of the Town and Country Planning Act 1990 to secure a cessation in the

use of the land as an animal rescue centre and the removal of the timber cattery.

- (2) To institute legal proceedings pursuant to S.179 of the town and Country Planning Act 1990 in the event of non-compliance with the notice.

84 INFORMATION REPORT

In his report, the Service Director, Planning set out details of Planning and Enforcement Appeals Decisions, Delegated Decisions (Approvals and Refusals with reasons), an Overview of Enforcement Cases and Enforcement Delegated Decisions for the period 7 September – 1 October 2015 and it was **RESOLVED** to note the information.

**G.STACEY
CHAIRMAN**

The meeting terminated at 7.15 p.m.