

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, 17 March 2016 at 4.00 p.m.

PRESENT

County Borough Councillor G.Stacey – in the Chair

County Borough Councillors

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

Non-Committee Member in attendance

County Borough Councillor S.Bradwick

Officers in Attendance

Mr.S.Gale – Service Director, Planning
Mr.C.Jones – Development Control Manager
Mr.S.Humphreys – Head of Legal, Planning & Environment
Mr.S.Zeinalli - Highways Development & Adoptions Manager

181 APOLOGIES FOR ABSENCE

Apologies for absence were received from County Borough Councillors L.M.Adams, (Mrs) S.J.Jones, R.Lewis, G.P.Thomas and (Mrs) J.S.Ward.

182 DECLARATION OF INTEREST

(1) County Borough Councillor P. Wasley in respect of Application No.15/1625 – Display of advertisement in conjunction with use of the building as marketing suite associated with residential development of land at The Greens, Plot 10, Land adjacent to The Meadows, Gwern Heulog, Tonyrefail – “I live on this Estate and own a property I bought from the developer, it is also a prejudicial interest but in accordance with Paragraph 14(2) of the Code of Conduct, I will speak on the item and then leave the meeting.”

(2) County Borough Councillor P.Wasley in respect of Application No.15/1631 – Construction of building to be used as a marketing suite for a period of up to 3 years in conjunction with associated residential development of land at The Greens, Plot 10, Land adjacent to The Meadows, Gwern Heulog, Tonyrefail – “I live on this Estate and own a property I bought from the developer, it is also a prejudicial interest but in accordance with

Paragraph 14(2) of the Code of Conduct, I will speak on the item and then leave the meeting.”

183 HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS

RESOLVED to note that when Committee 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.

184 MINUTES

RESOLVED to approve as an accurate record, the minutes of the meeting of the Development Control Committee held on 18th February 2016.

185 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.

186 APPLICATIONS RECOMMENDED FOR APPROVAL INVOLVING PUBLIC SPEAKERS

(1) Application No.15/1514 – Change of use of ground floor from D1 non-residential institution (training centre) to an A3 Pizza takeaway – Offices, 4 High Street, Aberdare

In accordance with adopted procedures, the Chairman invited Mr.M.Besli (Applicant) to address Members on the above-mentioned application but he was not present to do so.

The Chairman then invited Non-Committee/Local Member – County Borough Councillor S.Bradwick – to address the Committee. Councillor Bradwick spoke against the proposal.

The Development Control Manager outlined the application and following a discussion, it was **RESOLVED** to approve the application in accordance with the recommendation of the Service Director, Planning.

(2) Application No.15/1625 – Display of advertisement in conjunction with use of the building as marketing suite associated with residential development of land at The Greens, Plot 10, Land adjacent to The Meadows, Gwernheulog, Tonyrefail

In accordance with adopted procedures, the Committee received Mr.Jon Wilks (Agent), who addressed Members on the above-mentioned application and on application no.15/1631.

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

(**Note:** Having declared a personal and prejudicial interest in the above-mentioned matter (Minute No.182 (1) refers, County Borough Council P.Wasley left the meeting for this item).

(3) Application No.16/1631 – Construction of building to be used as a marketing suite for a period of up to 3 years in conjunction with associated residential development of land at The Greens, Plot 10, Land adjacent to The Meadows, Gwern Heulog, Tonyrefail

In accordance with adopted procedures, the Chairman invited Mr.Jon Wilks (Agent) to address Members but he declined stating that he had covered all issues in his earlier address on application no.15/1625.

Having declared a personal and prejudicial interest in the matter (Minute No.182(2) refers), County Borough Councillor P.Wasley exercised his right to speak on the matter under Paragraph 14(2) of the Code of Conduct and after doing so, he left the meeting for this item.

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 following additional condition being imposed:

- “3. All other conditions included on planning permission reference 14/1054 shall remain in force and shall be discharged (as relevant) in the construction of the development hereby permitted.

Reason: To define the scope of this planning consent relative to the larger approved development.”

(4) Application No.15/1636 – Demolition of existing school buildings and the erection of 25 residential dwellings with associated landscaping, car parking and associated works (amended plans received 26/01/16) – Williamstown Primary School, Arthur Street, Williamstown, Tonypany

In accordance with adopted procedures, the Chairman invited Mr.Jon Hurley (Agent) to address the Committee on the above-mentioned application but he declined the invitation to do so.

The Development Control Manager reported orally that in relation to the terms of the recommended Section 106 agreement, it was necessary for Members to consider an additional requirement to ensure the applicant agrees a framework for an Employment and Skills Plan.

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 applicant first entering into a Section 106 Agreement to ensure the applicant:

- Provides a commuted sum of £30,000 for future maintenance of the play area should it be adopted
- Secures the tenancy of units 12-25 as affordable housing;
- Agrees a framework for an Employment and Skills Plan;
- Undertakes to pay all reasonable costs associated with the preparation of the legal agreement.

187 APPLICATIONS RECOMMENDED FOR APPROVAL

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

The Development Control Manager reported orally on a request to add an additional six conditions to those listed in the report in relation to application no.15/1621 – Development of 14 no. residential dwellings (flats) and associated works – Appletree Avenue, Dinas, Tonypany, if Members were minded to approve the application.

RESOLVED –

(1) To approve Application No.**15/1597** – First floor extension over existing kitchen – 16 Meadow Street, Treforest, Pontypridd – in accordance with the recommendation of the Service Director, Planning subject to an additional condition being attached restricting the use of the property to Class C3 only.

(2) To approve Application No.**15/1621** – Development of 14 no. residential dwellings (flats) and associated works – Appletree Avenue, Dinas, Tonyrefail – in accordance with the recommendation of the Service Director, Planning subject to:

- The following additional conditions:
 1. Prior to the commencement of any of the development hereby approve the following components of a scheme to deal with the risks associated contamination of the site shall each be submitted, in writing, to the Local Planning Authority:
 - (i) A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.

- (ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In order to take account of controlled waters at this site and their environmental sensitivity and the potential contamination due to the historic use of the site to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

2. No flat shall be occupied until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria had been met. It shall also include a plan (a "long term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan and for the report of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site. To accord with policy AW10 of the Rhondda cynon Taf Local Development Plan.

3. No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures

shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the long term remediation criteria relating to controlled waters have been met. To ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be deal with.

Reason: Given the size of the site, it is considered possible that there may be unidentified areas of contamination that could post a risk to controlled waters if they are not remediated to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority which may be given for those part of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: There is an increased potential for pollution of controlled waters from appropriate located infiltration systems such as soakaways, unsealed porous pavement systems of infiltration basins to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- The applicant first entering into a Section 106 Agreement to ensure that all of the properties are retained for social rented purposes in perpetuity.

188 DEFERRED APPLICATION

Application No.15/1441 – Change of Use from Sandwich Shop (A1) to Takeaway Restaurant (A3) – 32 Oxford Street, Mountain Ash

Pursuant to Minute No.169(1) (Development Control Committee, 18th February 2016) when Members were minded to refuse the above-mentioned application contrary to Officer recommendation because they considered the proposed change of use of the premises owing to its location would further exacerbate traffic and parking problems in the area to the detriment of highway safety, the Service Director, Planning gave his views on the reasons put forward for refusal of the proposal.

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

1. The proposed hot food takeaway at this location would give rise to a greater intensity of short term on-street parking along the B4275 (Oxford Street) to the detriment of highway and pedestrian safety and free flow of traffic.

189 INFORMATION REPORT

In his report, the Service Director, Planning set out details of Delegated Decisions (Approvals and Refusals with reasons), an overview of Enforcement Cases and Enforcement Delegated Decisions for the period 22 February – 4 March 2016 and it was **RESOLVED** to note the information.

**G.STACEY
CHAIRMAN**

The meeting terminated at 4.47 p.m.