

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, 2nd February 2017 at 5.00 p.m.

PRESENT

County Borough Councillor G. Stacey – in the Chair

County Borough Councillors

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

Non-Committee Members in attendance

County Borough Councillors D.R. Bevan, G. Holmes and L. Langford

Officers in Attendance

Mr. S. Humphreys – Head of Legal Planning & Environment
Mr. J. Bailey - Development Services Manager
Mr. S. Zeinalli – Highways Development & Adoptions Manager

113 APOLOGIES FOR ABSENCE

Apologies for absence were received from County Borough Councillors S. Powderhill and E. Webster.

114 DECLARATIONS OF INTERESTS

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

- (1) In accordance with the Code of Conduct County Borough Councillor L.M. Adams declared a personal interest which was also a prejudicial interest in respect of Application No. 16/1201 - Demolish existing garden shed and construct new domestic garage, 4 Weston Terrace, Ynyshir, Porth – “Applicant is a member of my family, it is also a prejudicial interest and I will leave the meeting for this item”.
- (2) In accordance with the Code of Conduct, County Borough Councillor M. Griffiths declared a personal interest in respect of Application No. 16/0819/10 – Proposed residential development of 26 flats, car parking, landscaping and access (Amended plans received 12/10/16) Southgate

Garage, Cross Inn Road, Llantrisant, Pontyclun – “3 objectors known to me”.

- (3) In accordance with the Code of Conduct, County Borough Councillor (Mrs) S.J. Jones declared a personal interest in respect of Application No. 15/1048 - Demolition of existing building and erection of a 1,758 sq m (gross) Class A1 (Shops) limited assortment discount foodstore with associated access, parking, landscaping and ancillary works, Remploy, Dinas Enterprise Centre, Cymmer Road, Dinas, Porth – “Active Member of the Co-operative Group”.

115 HUMAN RIGHTS ACT 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.

116 WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

RESOLVED - to note that the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle and to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

117 MINUTES

RESLOVED – to approve as an accurate record the minutes of the meeting of the Development Control Committee held on 5th January 2017

118 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.

119 SITE INSPECTION INVOLVING PUBLIC SPEAKERS

Application No: 16/0819/10 – Proposed residential development of 26 flats, car parking, landscaping and access (Amended plans received 12/10/16) Southgate Garage, Cross Inn Road, Llantrisant, Pontyclun.

In accordance with Minute No.98 (Development Control Committee, 5th January, 2017), a site inspection had taken place on 18th January, 2017 to consider highways issues and the impact of the development on the surrounding area. Details of the site visit were set out in the report.

In accordance with adopted procedures, the Committee received the following public speakers, each being afforded five minutes to present their views on the above mentioned application:

- Mrs Francesca Evans (Agent)
- Mr Allan Matheson (Objector)
- Mr Rhys Griffiths (Objector)
- Mr Clinton Davis (Objector)
- Mr Adam Robinson (Objector)
- Mr Steve Morgan (Objector)
- Mr Wayne Griffiths (Objector)

The Agent exercised the right to respond to the objector's comments.

Non – Committee Member – County Borough Councillor G.Holmes addressed the Committee on the application and put forward his objections to the proposed development.

The Development Services Manager asked Members to note that as the applicant had not agreed an extension of time to determine this application the application fee would have to be returned if the matter was not determined by 1st March 2017. In view of this the Development Services Manager advised Members that if they were minded to refuse the application against officers recommendation there would be insufficient time to defer consideration of the matter to the next meeting of the Committee in order to receive a further report from the Service Director Planning upon the strengths and weaknesses for taking such a decision. In the circumstances Members were advised that they should make a final determination at this meeting, to enable the decision notice to be issued following the Committee.

Following lengthy consideration of the matter, Members indicated that they were minded to refuse the application contrary to the recommendation of the Service Director, Planning, as they considered that the proposals were overbearing and would have an unacceptable impact on the amenity of the area therefore, it was **RESOLVED** to defer the application to the end of the meeting to agree the precise reasons for refusal and to enable the decision notice to be issued.

(NOTE: Prior to consideration of this matter County Borough Councillor M.J. Watts declared a personal and prejudicial interest in respect of the application - "Member of R.H.A Board, it is also a prejudicial interest and I will leave the meeting for this item". He then left the meeting for its consideration)

(NOTE: Whilst the public speakers were addressing the Committee in respect of this application the following personal interest were declared: -
County Borough Councillor J. Bonetto– "I know an objector"
County Borough Councillor (Mrs) S.J. Jones – "Knew one of the objectors")

REPORTS OF THE SERVICE DIRECTOR, PLANNING

120 APPLICATION RECOMMENDED FOR APPROVAL INVOLVING PUBLIC SPEAKER

Application No: 15/1048 Demolition of existing building and erection of a 1,758 sq m (gross) Class A1 (Shops) limited assortment discount foodstore with associated access, parking, landscaping and ancillary works, Remploy, Dinas Enterprise Centre, Cymmer Road, Dinas, Porth.

In accordance with adopted procedures, the Committee received the following public speaker, who was afforded five minutes to address the Committee on the above application:

- Mr Chris Pickup (Agent)

The Development Services Manager outlined the proposed application for approval. He further confirmed to Committee the position with regard to the Community Infrastructure Liability (CIL) in this case. Committee were informed that since the drafting of the report further clarification had been received regarding the previous use of the buildings and as a consequence it was the view of the Council that based on the further information received CIL would be payable in this case at the liability charging rate of £100/sq.m. However, Committee was further advised that it was likely the applicant would seek to contest any CIL Liability Notice issued.

Following consideration of the matter, it was **RESOLVED** to approve the application in accordance with the recommendations of the Service Director, Planning subject to a Section 106 Agreement to secure: -

- A Highways Infrastructure contribution of £40,000;
- A Town Centre Contribution of £30,000;
- A Woodland Management Plan in order to deal with tree maintenance issues, on-going invasive plant issues and litter generated from the food store site; and
- An Employment and Skills Plan as detailed in the Report

121 APPLICATION RECOMMENDED FOR REFUSAL INVOLVING PUBLIC SPEAKER

Application No: 16/1201 - Demolish existing garden shed and construct new domestic garage, 4 Weston Terrace, Ynyshir, Porth.

In accordance with adopted procedures, the Committee received the following public speaker, who was afforded five minutes to address the Committee on the above application:

- Mr Adam Thomas (Applicant)

Non – Committee Member – County Borough Councillor L.Langford addressed the Committee on the application and spoke in support of the proposed development.

Following consideration of the report which was recommended for refusal by the Service Director, Planning, it was **RESOLVED** that as Members were minded to approve the application contrary to the Officer's recommendation because they considered the development would provide much needed off street parking and was not a visually incongruous and un-neighbourly form of development which would have a detrimental impact on the character and appearance of the surrounding area 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.

(NOTE: County Borough Councillor L.M. Adams having declared a personal and prejudicial interest in respect of the above-mentioned application left the meeting for its consideration)

122 APPLICATION RECOMMENDED FOR APPROVAL

Application No: 16/1284 - Rebuilding of fire damaged bus workshop, 4 Foundry Road Industrial Estate, Foundry Road, Trealaw, Tonypany.

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

123 DEFERRED APPLICATION

Application No: 16/0241 – Domestic Garage and Vehicular cross-over at 81 Dinam Park, Ton Pentre, Pentre.

Pursuant to Minute No. 28 (Development Control Committee, 4th August 2016) where Members resolved to defer consideration of the application to allow further discussions to take place between the Service Director, Planning, the Applicant and the Objector in an attempt to reach a compromise solution.

The Development Services Manager reported orally that the Council held a discussion with the Objector who suggested that the proposed garage should be set in from the common boundary by 1 metre. Although Officers put forward this suggestion to the Applicant for consideration, no further amended plans have been submitted and the Council has now received an appeal from the Applicant against the non-determination of the application. The Development Services Manager advised Members that they no longer had the power to determine the application but are required to indicate how they would have determined the application. This decision of Members will be

conveyed to the Planning Inspectorate and taken into consideration during the determination of the appeal.

The Development Services Manager informed Members that if they were minded to approve the application the conditions listed in the report should be considered.

Following a discussion, Members **RESOLVED** that had they retained the power to determine the application then they would have approved the application in accordance with the recommendation of the Service Director, Planning subject to conditions detailed in Appendix A of the Report.

124 SITE INSPECTION INVOLVING PUBLIC SPEAKERS

Pursuant to Minute No. 119, where Members were minded to refuse the application against the recommendation of the Service Director Planning, as they considered that the proposals were overbearing and would have an unacceptable impact on the amenity of the area and resolved to agree the precise reasons at this meeting, to enable the decision notice to be issued.

Following a further lengthy debate of the matter and the reasons for refusal, it was **RESOLVED** to refuse the application contrary to the recommendation of the Service Director Planning, for the following two reasons:-

1. The proposed development is considered to have an unacceptable impact on neighbour amenity by virtue of being overbearing on and adversely effecting the privacy of adjoining residential properties, and therefore does not accord with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
2. The proposed development is considered to have an unacceptable impact on the visual amenity of the area by virtue of the scale of the buildings not being in keeping of with their surroundings, and therefore does not accord with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

(NOTE: County Borough Councillor M.J. Watts who had declared a personal and prejudicial interest in respect of this matter left the meeting for its further consideration)

125 INFORMATION REPORT

In his report, the Service Director, Planning set of details in relation to Planning and Enforcement Appeals Decisions Received, Delegated Decisions Approvals and Refusals with Reasons, for the period 09/01/2017 and 20/01/2017, and following consideration thereof, it was **RESOLVED** to note the information.

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

**G. STACEY
CHAIRMAN**

The meeting terminated at 6.50 p.m.