

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**Minutes** of the special meeting of the Development Control Committee held at the County Borough Council Offices, The Pavilions, Clydach Vale on Thursday, 24 April 2014 at 5.00 p.m.

**PRESENT**

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

**County Borough Councillors**

L.M.Adams	P.Griffiths	(Mrs) M.Tegg
(Mrs) T.A.Bates	(Mrs) E.Hanagan	R.K.Turner
D.R.Bevan	P.Howe	G.P.Thomas
H.W.Boggis	J.S.James	L.G.Walker
J.Bonetto	(Mrs) S.J.Jones	(Mrs) J.S.Ward
S.A.Bradwick	W.L.Langford	P.Wasley
J.Bunnage	R.Lewis	M.J.Watts
S.L.Carter	A.Morgan	M.Webber
A.Crimmings	B.Morgan	E.Webster
W.J.David	S.Pickering	W.D.Weeks
A.L.Davies,MBE	S.Powderhill	C.J.Williams
(Mrs) A.Davies	(Mrs) A.Roberts	D.H.Williams
J.Elliott	J.Rosser	T.Williams
M.Forey	R.W.Smith	C.J.Willis
A.S.Fox	G.Stacey	R.A.Yeo
M.Griffiths	B.Stephens	

**Officers in Attendance**

Mrs.J.Cook – Director, Regeneration & Planning  
Mr.S.Gale – Service Director, Planning  
Mr.S.Humphreys – Principal Solicitor  
Mr.C.Jones – Development Control Manager  
Mr.S.Zeinalli – Highways Development & Adoption Manager  
Mr.D.Hart – Senior Environmental Health Officer

**236 APOLOGIES FOR ABSENCE**

Apologies for absence were received from County Borough Councillors A.Calvert, P.Cannon,QPM, (Mrs) J.Cass, A.Christopher, C.Davies, J.Davies, G.R.Davies, (Mrs) M.E.Davies, S.M.Evans-Fear, G.Holmes, P.Jarman, S.Lloyd, C.J.Middle, K.Montague, K.Morgan, I.Pearce, M.J.Powell, S.Rees, S.Rees-Owen and M.Weaver.

**237 DECLARATIONS OF INTERESTS**

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

- (1) from County Borough Councillor A.Crimmings in respect of Application No. 13/0421 - Development of Bryn Defaid Surface Coal Mine for the extraction of coal and associated ancillary activities including restoration and subsequent aftercare of the full development site, land to north - east of Llwydcoed adjacent to B4276 Merthyr Road ( Grid Reference 301000, 206000) – “I am a member of the Bryn Pica Liaison Group”
- (2) from County Borough Councillor S.A.Bradwick in respect of Application No. 13/0421 - Development of Bryn Defaid Surface Coal Mine for the extraction of coal and associated ancillary activities including restoration and subsequent aftercare of the full development site, land to north - east of Llwydcoed adjacent to B4276 Merthyr Road ( Grid Reference 301000, 206000) – “I am a member of the Bryn Pica Liaison Group”.
- (3) from County Borough Councillor M.Forey in respect of Application No. 13/0421 - Development of Bryn Defaid Surface Coal Mine for the extraction of coal and associated ancillary activities including restoration and subsequent aftercare of the full development site, land to north - east of Llwydcoed adjacent to B4276 Merthyr Road ( Grid Reference 301000, 206000) – “I am an independent member of Cwm Taf Health Board and the Board is a consultee in considering this application, it is also a prejudicial interest and I will leave the meeting for this item.”

## **238 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 by the Human Rights Act 1998.

## **REPORT OF THE SERVICE DIRECTOR, PLANNING**

### **239 APPLICATIONS RECOMMENDED FOR APPROVAL**

- (1) **Application No: 10/1112 - Outline planning application for the demolition of existing structures, retention of listed towers, site remediation, land restoration and development to provide a mix of uses including 851 residential units (use class C3), primary school, revised access arrangements, provision of car and cycle parking, servicing, structural landscaping, formation of public spaces and associated infrastructure, and public realm works. (Revised details**

**received 10th January 2014) - Cwm Coke Works, Colliery And Tip, Tynant.**

In accordance with adopted procedures, the Committee received Mr.M.Scot (Agent) and Ms.J.Morgan (Objector), each being afforded five minutes to address Members on the proposal. Mr.Scot exercised his right to respond to the objector's comments.

In his report, the Service Director, Planning set out details of the above-mentioned application for Members' consideration.

The Development Control Manager reported orally on a correction required to Page 34 of the report in that the reference to a "review mechanism" is made, however, this was as a result of an earlier draft/stage in negotiations and should be deleted from considerations as the correct position regarding this matter was reported in the paragraph headed "Conclusion" on page 35.

The Development Control Manager also reported orally that it was now recommended that an additional condition be imposed requiring the submission of Dust Management Plan as the re-profiling of the tip may give rise to dust related nuisance.

In addition, the applicant had made a "late" request that Condition No.1(c) be amended to allow the submission of reserved matters up to a period of five years and not three as recommended in the report. This request was considered acceptable.

Following a discussion on the proposal, it was **RESOLVED** to approve the application in accordance with the recommendation of the Service Director, Planning subject to Natural Resources Wales being satisfied with regard to the Bat issue and to :

(a) The condition listed in the report No.1(c) being amended to read:

"1(c) Applications for the approval of reserved matters shall be made before the expiration of five years from the date of this permission";

(b) An additional condition being imposed requiring the submission of a Dust Management Plan;

(c) The developer entering into a Section 106 agreement under the following heads of terms:

- The provision of a new primary school to accommodate 240 pupils to be built to Design Bulletin 99 standards. The first phase of development to be provided on completion of the 212<sup>th</sup> dwelling and the remainder to be provided on completion of the 425<sup>th</sup> dwelling.

- The provision of a contribution of £1,500,000 towards off site provision of affordable housing comprising the payment of £750,000 on completion of the 100<sup>th</sup> Dwelling and £750,000 on completion of the 150<sup>th</sup> dwelling.
- The provision of children and adult changing facilities within the new primary school.
- The provision of on site public open space comprising a minimum of 1 x NEAP; 2 x LEAP's and 1 x sports pitch.
- Future management of the public open space to be provided by a management company.
- A contribution of £125,000 (£5,000 per annum x 25 years) for the maintenance of the former colliery tip and site.
- A Transport Tariff payment of £400,000 for off site highway improvements.
- As part of the development of the site the reclamation/remediation of the former colliery tips.
- The Council agreeing access to its land to the developer for works associated with the redevelopment of the site, specifically in relation to works to the tip, the provision of the school and east-west link road.
- Meeting the Council's reasonable legal costs in preparing this Section 106 agreement.

**(2) Application No.13/0421 – Development of Bryn Defaid Surface Coal Mine for the extraction of coal and associated ancillary activities including restoration and subsequent aftercare of the full development site – Land to north-east of Llwydcoed adjacent to B4276 Merthyr Road (Grid Reference 301000, 206000)**

**(Note:** Having declared a personal and prejudicial interest in the above-mentioned matter (Minute No.237(3) refers), County Borough Councillor M.Forey left the meeting for the above-mentioned item)

**(Note:** County Borough Councillor H.Boggis declared a personal interest in the application, stating “I know and objector and a supporter”)

**(Note:** County Borough Councillors D.R.Bevan and G.Thomas declared personal interests in the application, each stating “I am a lay member of UNITE”)

**Note:** County Borough Councillors L.M.Adams, S.Carter, A.L.Davies and S.Pickering declared personal interests in the application, each stating - “I am a member of UNITE”)

In accordance with adopted procedures, the Committee received the following persons, each being afforded five minutes to address Members on the application:

Mr.R.Thompson (For the Applicant – Operations Director)  
Mr.A.Llewellyn (Supporter)

Mr.D.Halley (Supporter)  
Mr.G.Jones (Representing UNITE - Supporter)  
Mrs.R.Moses (Supporter)  
Mr.A.Davies (Supporter)  
Ms.A.Chaplin (Objector)  
Ms.B.Dicks (Objector)

Mr.R.Thompson exercised his right to respond to the comments made by the objectors.

In his report, the Service Director, Planning set out details of the above-mentioned application for Members' consideration.

The Development Control Manager reported orally on the following "late" correspondence received regarding the proposal:

- 175 letters supporting the application
- A petition containing 30 signatures supporting the application
- a letter of objection from Llwydcoed Action Group
- a letter of objection from Cyfarthfa Branch Labour Party
- a letter from the Brecon Beacons National Parking raising no objection to the proposal

Following lengthy consideration of the matter, it was **RESOLVED** to Approve the application in accordance with the recommendation of the Service Director, Planning subject to the following:

1. the applicant (and any 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 1990 that in general terms would secure the following measures:-
  - Ecological Management, remediation and monitoring requirements of all land to be subject to mitigation and restoration for a period of 25 years,
  - Provision of an Ecological Management Plan for the 130ha of land in the applicant's control to the south east of the site,
  - Provision of an appropriate financial guarantee to secure adequate reclamation of the site in the event of the applicant defaulting prior to the completion of the restoration and aftercare works subject to the planning permission,
  - A condition survey of the highway from the site entrance to the A465/B4276 Junction Or alternatively to pay a one-off payment contribution towards the cost of remedial works associated with additional damage caused by extraordinary use,
  - All highway provisions contained within the TA, including a route restriction for HGV traffic, staff car sharing and bus stop,
  - The diversion, stopping up of the public rights of way, the creation of a new PROW up onto the site and future maintenance thereof and new

styles and bridges at access points to the site, to facilitate easy access, but prevent unwanted access, such as trial and future maintenance thereof;

- Two new information boards providing information on the industrial archaeology of the site;
- Community fund to be provided at a rate of 40p per tonne of coal extracted.

2. The recommended conditions as set out below in this report,
3. That the Service Director, Planning being authorised 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.
4. That the Service Director Planning be authorised to enter into further discussion with the applicant (and/or their agents/representatives) in order to negotiate further the level, scope, delivery and phasing of 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 been agreed that a further report be brought back to a future meeting of this Committee confirming the outcome of those further negotiations

**(Note:** The following lost motion was moved by County Borough Councillor A.Crimmings and seconded by County Borough Councillor H.Boggis:

“To refuse the application contrary to the recommendation of the Service Director, Planning because of concerns relating to the proximity of the development site to residential properties and highway safety, environmental and ecology issues.”

**R.B.McDONALD  
CHAIRMAN**

The meeting terminated at 6.40 p.m.