

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, 19 February 2015 at 5 p.m.

PRESENT

County Borough Councillor G.Stacey – in the Chair

County Borough Councillors

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

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

Non-Committee Members in Attendance:

County Borough Councillors W.J.David and L.G.Walker

141 APOLOGIES FOR ABSENCE

Apologies for absence were received from County Borough Councillors L.De Vet, (Mrs) M.Tegg and E.Webster.

142 DECLARATIONS OF INTERESTS

The Committee received the following declarations of personal interests from:

- (1) County Borough Councillor P.Wasley in respect of Application No.14/1324 – Outline application for residential development of 35 dwellings including 10 affordable housing units (re-submission of 12/1144/13) – Land at Elwyn Street, Coedely, Tonyrefail – “When the previous application for this site came to the Development Control Committee in March 2013, I made a personal declaration that I had

attended a public meeting as an observer, I wish to re-iterate that interest”.

(2) County Borough Councillor (Mrs) S.J.Jones in respect of Application No.14/1119 – Change of Use from Chapel Building to One Residential Unit and Funeral Home (amended layout plan received 09/10/2014 and Bat Report received 15/10/2014) – Trinity Chapel, Trinity Road, Tonypany – “I reside near the development site and am a member of the Transitional Council for the Co-operative”.

(3) Non-Committee Member, County Borough Councillor L.G.Walker, in respect of Application No.14/1205 – Re-plan of phase 2 of planning permission 12/1313 to include residential development (213 houses) along with associated open space, landscaping, access (vehicle, cycle and pedestrian), drainage and highways works (amended plans received 15/01/15 (site layout) 27/10/14 and 15/01/15 (house type details) – Duffryn Bach Farm, Station Road, Church Village, Pontypridd – “I know the public speakers”

143 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.

144 REQUESTS FOR SITE INSPECTIONS

There were no requests for site inspections in respect of the applications listed on the agenda.

145 CHANGES 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.

146 APPLICATION RECOMMENDED FOR APPROVAL INVOLVING PUBLIC SPEAKERS

Application No.14/1205 – Re-plan of Phase 2 of planning permission 12/1313 to include residential development 213 houses) along with associated open space, landscaping, access (vehicle, cycle and pedestrian), drainage and highways works (amended plans received

15/01/15 (site layout) 27/10/14 (Landscaping); 29/10/14 and 15/01/15 (house type details) – Duffryn Bach Farm, Station Road, Church Village, Pontypridd

(**Note:** The Chairman, County Borough Councillor G.Stacey, wished to place on record, for information purposes, the fact that his daughter resides at the above-mentioned housing development)

At the request of the Chairman, prior to Members considering the proposal before them, the Service Director, Planning advised the meeting that there had been many enforcement complaints received about activities currently taking place at the development site and as a result, a Breach of Condition Notice has been served on the Developer to rectify the situation. Also, separate action was being taken under Highways legislation. The Service Director, Planning pointed out that issues concerning enforcement action were, therefore, being dealt with separately and the Committee would only be dealing with the application now before them at today's meeting.

In accordance with adopted procedures, the Committee then received the following public speakers, each being afforded five minutes to address Members on the proposal:

1. Community Councillor Jools Jones (Objector)
2. Mr.Mike Dunk (Objector)
3. Mr.Paul Dunk (Objector)
4. Mr. Craig Greenstock (Objector)
5. Mr.Daryl Jones (Applicant's Agent) – who exercised his right to respond to the Objectors' comments.

Non-Committee Member, County Borough Councillor L.G.Walker, then addressed the Committee on the application.

The Development Control Manager reported orally on the contents of two "late" letters received from Community Councillors Jools Jones and Mrs.Bev Channon, both opposing the application.

The Development Control Manager also reported orally on a "late" addition to the requirements of the recommended Section 106 agreement referred to in the report to the effect that the sum of £12,000 was necessary to investigate improved pedestrian facilities in the vicinity of the B4595 crossroads, as requested by the Highways Department.

Following a lengthy discussion on the proposal, it was **RESOLVED** to defer determination of the application for a site inspection to be undertaken by the Committee to consider the impact of the proposed development on the surrounding areas.

147 APPLICATION RECOMMENDED FOR REFUSAL INVOLVING PUBLIC SPEAKERS

Application No.14/1324 – Outline application for residential development of 35 dwellings including 10 affordable housing units (re-submission of 12/1144/13) – Land at Elwyn Street, Coedely, Tonyrefail

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

- (1) Mr.Jon Waters (Applicant's Agent)
- (2) Mr.Arthur Hayes (Objector)

Mr.Jon Waters then exercised his right to respond to the Objector's comments.

The Development Control Manager reported orally on a "late" letter received from Community Councillor Dan Owen Jones - Chairman of the Coedely Residents Association alleging that part of the site was not in the ownership of the Applicant but Members were reminded that 'land ownership' was not a matter for the Development Control Committee in determining applications.

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

(Note: County Borough Councillor C.J.Middle declared a personal interest in the above-mentioned matter stating "in light of the late letter from Councillor Dan Owen Jones, who is a distant second Cousin and I was in business with him ten years ago, I will not be voting on the application.")

148 DEFERRED APPLICATION INVOLVING PUBLIC SPEAKERS

Application No.14/1145 – Retrospective Consent for Domestic Garage on Land opposite nos. 16 & 17 Arfryn Terrace, Tylorstown

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

- (1) Mrs.Gill Paine (Objector)
- (2) Miss Claire Chappell (Objector)

In the report of the Service Director, Planning reported on the background to the matter and asked Members to consider what decision they would have made in respect of the planning application which was now the subject of an appeal on the grounds of non-determination.

Following a discussion, it was **RESOLVED** –

(1) That had the Committee had the opportunity to determine the application, it would have refused the application contrary to the recommendation of the Service Director, Planning because Members consider the garage is too long, too high, too wide, not in character with the landscape and not in line with the approved planning application.

(2) That immediate enforcement action be taken in this matter.

(Note: County Borough Councillor S.Powderhill wished to have recorded that he abstained from voting on the above-mentioned application as he was not present for the whole debate)

149 SITE INSPECTION

Application No.14/1119 – Change of Use from Chapel Building to One Residential Unit and Funeral Home (amended layout plan received 09/10/2014 and Bat Report received 15/10/2014) – Trinity Chapel, Trinity Road, Tonypany

In accordance with Minute No.125 (Development Control Committee, 15 January 2015), the Director, Legal & Democratic Services reported on the outcome of a site inspection undertaken on 29 January 2015 to consider the impact of the proposal on the area and highways issues.

The Committee was also informed that following the site inspection, the Applicant had been contacted regarding the possible use of the Chapel of Rest part of the proposed development and had confirmed that no funeral services would be held at the premises.

Following a lengthy discussion, it was **RESOLVED** to approve the application in accordance with the recommendation of the Service Director, Planning subject to additional conditions being imposed to ensure that no funeral services are allowed to take place at the premises and that the proposed design of the gates must be submitted to and approved by the Planning Authority prior to installation.

(Note: The following lost motion was moved and seconded in respect of the above-mentioned application:

“To refuse the application, contrary to the recommendation of the Service Director, Planning, on highway safety grounds”)

150 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 the following applications:

(a) 14/1383 – Change of use of existing office space for use of Flying Start (infant day care) facilities – Unit 6, Maritime Offices, Woodland Terrace, Maesycoed, Pontypridd – a typing error on page 70 needed to be corrected to state that the application was recommended for approval and not refusal as stated.

(b) 14/1585 – Detached Dwelling – Land adjacent to Mount Stuart, Hurford Street, Maesycoed, Pontypridd – suggested Condition 9 in the report required amendment to read as follows:

“9. No HGV’s, including deliveries, shall use the site between 8.00 a.m. -9.00 a.m. and 3.00 p.m. – 4.00 p.m. to safeguard children going to school.”

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

(1) To approve the under-mentioned applications in accordance with the recommendations of the Service Director, Planning:

14/1092 – Conversion of commercial premises to 7 no. Flats (B1 to C3) – 5 Cemetery Road, Porth

14/1265 – Retention and sub-division of ground floor retail units with new shop fronts and the conversion of the upper two floors into residential accommodation for 11 flats with associated works – 56-58 Taff Street, Pontypridd

14/1383 – Change of use of existing office space for use of Flying Start (infant day care) facilities – Unit 6, Maritime Offices, Woodland Terrace, Maesycoed, Pontypridd

14/1504 – New school building and associated external works, demolition of the existing main school building and removal of

temporary classrooms – Y Pant Comprehensive School, Cowbridge Road, Talbot Green

- (2) To approve application no.14/1585 – Detached Dwelling – Land adjacent to Mount Stuart, Hurford Street, Maesycod, Pontypridd – in accordance with the recommendation of the Service Director, Planning subject to Condition 9 being amended to read:

“9. No HGV’s, including deliveries, shall use the site between 8.00 a.m. - 9.00 a.m. and 3.00 p.m. – 4.00 p.m. to safeguard children going to school.”

DEFERRED APPLICATIONS

151 APPLICATION NO.11/1377 – 5 NO. NEW BUILD PROPERTIES AND ACCESS ROAD WITH ON SITE PARKING AND VISITOR PARKING (AMENDED PLANS RECEIVED 20/08/2013) – LAND ADJACENT TO 16 GORSEDD STREET, MOUNTAIN ASH

With reference to Minute No.191(2) (Development Control Committee, 6 March 2014) when Members resolved to approve the above-mentioned application subject to the applicant entering into a Section 106 Agreement to make a transport tariff contribution towards improving the strategic highway network, the Service Director, Planning reported that despite progress being made the Section 106 Agreement had not progressed to completion.

The Service Director, Planning referred to the fact that on 31 December 2014, the Council introduced the Community Infrastructure Levy and as such, a Section 106 Agreement could no longer constitute a reason for granting planning permission to the extent that the obligation provides funding for infrastructure which would be funded by CIL.

Members were informed that the development site was located within Zone 1 where there was a £0 charge for residential development and, therefore, there was no contribution required in this case. It would, therefore, be unlawful to pursue the previous contribution requested under the Section 106 Agreement.

After receiving the advice of the Service Director, Planning, it was **RESOLVED** to approve the application without the requirement for the transport tariff contribution, in accordance with the recommendation of the Service Director, Planning.

152 APPLICATION NO.13/0218 – DEMOLITION OF WORKSHOPS AND CONSTRUCTION OF 6 NO. LINK HOUSES ON LAND AT BRONALLT TERRACE, ABERCWMBOI, ABERDARE

With reference to Minute No.55(5) (Development Control Committee, 15 August 2013) when Members resolved to approve the above-mentioned application subject to the applicant entering into a Section 106 Agreement to make a transport tariff contribution towards improving the strategic highway network, the Service Director, Planning reported that despite progress being made, the applicant requested that the matter be held in abeyance due to ill health and the Section 106 Agreement had not, therefore, been progressed.

The Service Director, Planning referred to the fact that on 31 December 2014, the Council introduced the Community Infrastructure Levy and as such, a Section 106 Agreement could no longer constitute a reason for granting planning permission to the extent that the obligation provides funding for infrastructure which would be funded by CIL.

Members were informed that the development site was located within Zone 1 where there was a £0 charge for residential development and, therefore, there was no contribution required in this case. It would, therefore, be unlawful to pursue the previous contribution requested under the Section 106 Agreement.

After receiving the advice of the Service Director, Planning, it was **RESOLVED** to approve the application without the requirement for the transport tariff contribution, in accordance with the recommendation of the Service Director, Planning.

153 APPLICATION NO.14/0578 – CONSTRUCTION OF 6 LINK HOUSES ON LAND AT STATION ROAD, TREORCHY

With reference to Minute No.64(2) (Development Control Committee, 4 September 2014) when Members resolved to approve the above-mentioned application subject to the applicant entering into a Section 106 Agreement to make a transport tariff contribution towards improving the strategic highway network, the Service Director, Planning reported that owing to the applicant raising issues regarding the requirement of the transport tariff, the Section 106 Agreement had not progressed.

The Service Director, Planning referred to the fact that on 31 December 2014, the Council introduced the Community Infrastructure Levy and as such, a Section 106 Agreement can no longer constitute a reason for granting planning permission to the extent that the obligation provides funding for infrastructure which would be funded by CIL.

Members were informed that the development site was located within Zone 1 where there was a £0 charge for residential development and, therefore, there was no contribution required in this case. It would, therefore, be unlawful to pursue the previous contribution requested under the Section 106 Agreement.

After receiving the advice of the Service Director, Planning, it was **RESOLVED** to approve the application without the requirement for the transport tariff contribution, in accordance with the recommendation of the Service Director, Planning.

154 APPLICATION NO.14/0628/13 – OUTLINE PLANNING PERMISSION FOR 5 NO. DETACHED DWELLINGS WITH OFF ROAD PARKING AND ASSOCIATED WORKS – LAND ADJOINING NO.15 (NORTH-WEST) OF TREM Y DUFFRYN, MOUNTAIN ASH

With reference to Minute No.55(b) (Development Control Committee, 21 August 2014) when Members resolved to approve the above-mentioned application subject to the applicant entering into a Section 106 Agreement to make a transport tariff contribution towards improving the strategic highway network, the Service Director, Planning reported that the applicant had raised issues regarding the requirements of the transport tariff and the Section 106 Agreement had not, therefore, progressed.

The Service Director, Planning referred to the fact that on 31 December 2014, the Council introduced the Community Infrastructure Levy and as such, a Section 106 Agreement can no longer constitute a reason for granting planning permission to the extent that the obligation provides funding for infrastructure which would be funded by CIL.

Members were informed that the development site was located within Zone 1 where there was a £0 charge for residential development and, therefore, there was no contribution required in this case. It would, therefore, be unlawful to pursue the previous contribution requested under the Section 106 Agreement.

After receiving the advice of the Service Director, Planning, it was **RESOLVED** to approve the application without the requirement for the transport tariff contribution, in accordance with the recommendation of the Service Director, Planning.

155 INFORMATION REPORT

In his report, the Service Director, Planning set out details of Delegated Decisions (Approvals and Refusals with reasons) for the period 26

January – 6 February 2015 and it was **RESOLVED** to note the information.

**G.STACEY
CHAIRMAN**

The meeting terminated at 7.25 p.m.