



Cyngor Bwrdeistref Sirol  
MERTHYR TUDFUL  
MERTHYR TYDFIL  
County Borough Council

## MINUTES OF MEETING

# PLANNING, REGULATORY AND LICENSING MEETING

THURSDAY, 21ST MARCH, 2019

**PRESENT:** Councillors H Barrett (Chair)  
C Tovey (Vice-Chair)

Councillors J Amos, D Chaplin, M Colbran, E Galsworthy,  
C T Jones, G Lewis, J Thomas and S Thomas

**Officers:**

J Jones (Head of Planning and Countryside), G Morgan (Solicitor) and D Cross (Principal Planning Officer), M Phillips (Democratic Services Officer), K Reddy (Democratic Services Officer) and M Hemmings (Democratic Services Officer)

ITEM NO.	AGENDA MATTER	DECISION
952	Apologies for absence	Apologies for absence received from the following committee members: Councillor K Gibbs
953	Declarations of Interest	Councillor H Barrett declared a personal and prejudicial interest in Item 3 - P/18/0330 as the Chair of Cancer Aid is a personal friend and the applicant is also a personal friend.
954	P/18/0330 - Land at East Street and Upper Union Street, Dowlais, Merthyr Tydfil	Councillor H Barrett left the Council Chamber after declaring a personal and prejudicial interest in this item and Councillor C Tovey took the Chair.  The Planning officer addressed the committee in relation to the application and the reasons for refusal and explained the possible outcomes and cost implications if there was to be an appeal or public enquiry.

		<p>The Legal Representative then addressed the committee and explained that the reasons for refusal provided by the committee were not sound planning reasons and that there was a real risk of an Appeal being lodged and significant costs may be incurred by the authority.</p> <p>The following questions were raised by the committee and were responded to in detail by the Planning and Legal Officers.</p> <ul style="list-style-type: none"><li>• If a public enquiry or written representations had to be carried out and the authority lost could you provide the committee with a breakdown of how the costs would be calculated and would the cost of the Planning Inspector also be included</li><li>• Can the Planning Officers confirm if the site for the proposed development was included in the New Local Development Plan that recently was approved by Full Council and was indeed highlighted as land for housing purposes</li><li>• Are the elected members who have put their names forward to represent the authority in any future public enquiry or written representations in relation to this application able to tap into legal representation</li><li>• Would there be cost implications in providing external legal representation to assist the committee members</li><li>• Is there a budget set aside for the eventuality that we go to an enquiry and is there also a budget set aside to pay for a planning consultant or a junior Barrister</li><li>• Clarity was sought in relation to the breakdown of costs from a previous public enquiry</li><li>• Clarity was sought in relation to the previous planning permission that was granted on the site and whether it was pre or post Cancer Aid opening</li><li>• The width of the highway was highlighted as an issue at the Fact Finding Visit, can you confirm if the width of the Highway complies by all the required regulations and the Highways Officers are happy with the change to the width of the footpath from 2m to 1.5m which has increased the width of the highway</li><li>• Clarity was sought on the definition of loss of amenity and whether it is subjective.</li><li>• Concern was raised in relation to the loss of amenity to Cancer Aid being a permanent rather than a temporary loss</li></ul>
--	--	--

- Further clarity was sought in relation to the noise concerns and loss of amenity as it has been put to the committee that the loss of amenity would lead to the permanent loss of Cancer Aid
- Can the Planning Officer confirm that the green areas on the plans are indeed the gardens of the proposed developments
- The garden areas are abutting the Cancer Aid site, what is to say that the garden areas are not going to be used for noisy activities
- What are the three options available to the Planning Inspector if this case is refused and what are the levels of costs awarded at each option
- Clarity was sort in relation to what would happen if the Authority won the case, and whether an application could be made for costs

Following comments and further consideration by the committee Councillor J Amos moved an amendment to revise the wording of the first reason the committee provided for refusal which read –

- Substantial loss of a voluntary organisation that provides palliative care

**Resolved that:**

It should read –

- A substantial loss of amenity for a voluntary organisation that provides palliative care for persons suffering from cancer.

**It was further resolved that:**

The Planning Committee Member's resolution to refuse the application was not accepted.

**The committee then considered the recommendation of the Head of Town Planning and Countryside to approve the application subject to the conditions outlined in the report.**

Following further consideration it was **Resolved that:**

The recommendation of the Head of Town Planning and Countryside for the application to be approved was not accepted.

After a short recess the committee **Resolved that:**

Due to the significant and complex nature of the application it be deferred to Full Council for a decision.

955	Any Other Business Deemed Urgent by the Chair	The Chair advised that there was no business deemed urgent and closed the meeting
-----	---	---