

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD
IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON
THURSDAY, 16 DECEMBER 2010 AT 2.00PM

Present:

Councillor M Gregory - Chairperson

Councillors

R D L Burns
N Clarke
E Dodd
C E Hughes

Councillors

A Jones
R Shepherd
G Thomas
M Thomas

Councillors

K J Watts
C Westwood
P J White
M C Wilkins

Councillors

H M Williams
M Winter
R E Young

Officers:

D Llewellyn - Group Manager Development
D C Davies - Development Control Manager
S Jones - Development Planning Manager
J Jenkins - Team Leader (East)
N Moore - Transportation Development Control Manager
A Carey - Transportation Development Control Officer
B Davies - Legal Officer
C Flower - Team Leader - Technical Support
A Rees - Senior Democratic Services Officer - Committees
J Monks - Democratic Services Officer - Committees (Electronic back-up)

451 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members for the reasons so stated:

Councillor C J James - In hospital
Councillor M Lewis - In hospital

452 DATE FOR PROPOSED SITE INSPECTIONS

RESOLVED: That the date of any site inspections arising from today's meeting or identified in advance of the next Committee by the Chairperson, be held on Wednesday 12 January 2011 (am).

453 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of a meeting of the Development Control Committee dated 18 November 2010, be confirmed as a true and accurate record.

454 LIST OF PUBLIC SPEAKERS

There were no public speakers listed to speak at the meeting.

455 DECLARATIONS OF INTEREST

RESOLVED: The following Members declared interests in the undermentioned items for the reasons so stated:-

- | | |
|------------------------|--|
| Councillor R Shepherd | - P/10/684/FUL – Councillor Shepherd declared a personal interest as a member of the Ogmore Valley Community Council but took no part in the consideration of planning applications. |
| Councillor N Clarke | - P/10/669/FUL - Councillor Clarke declared a personal interest as a Member of Porthcawl Town Council, but took no part in the consideration of planning applications. |
| Councillor R D L Burns | - P/10/697/FUL and P/10/856/FUL - Councillor Burns declared a personal interest as a Member of Bridgend Town Council but took no part in the consideration of planning applications. |

456 CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson announced that he had accepted the Development Control Committee amendment sheet as a late item in accordance with Part 4 (Paragraph 4) of the Council's Procedure Rules, in order to allow for the Committee to consider the necessary modifications to the Committee report to be made so as to take account of late representations and corrections, and for any revisions to be accommodated.

457 NORTH-EAST BRACKLA DEVELOPMENT BRIEF

The Group Manager Development reported that the North-East Brackla Development Brief had been agreed by this Committee at its meeting on 29 July 2010 for the purposes of public consultation on behalf of the Welsh Assembly Government in partnership with the Council. The Brief had been prepared in the context of the emerging Local Development Plan, which identifies the site for mixed-use regeneration. The Development Brief provides a 'Masterplan Framework' to guide the integrated redevelopment of the currently un-used 37 hectares of land owned by the Welsh Assembly Government in a co-ordinated and sustainable manner and encourages the regeneration of the existing industrial estates.

The Development Planning Manager summarised the findings of the public consultation exercise, the methodology for which was discussed and agreed with local Members. The majority of the responses to the public consultation related to five main issues:-

- The need for development in the area
- Coalescence of settlements
- Protection of green space
- Traffic impacts
- Density of Development

The Development Planning Manager reported that it was considered that the Draft Development Brief already addressed many of the issues raised. However, a

small number of amendments were being proposed to the Brief to take account of representations made as set out in paragraphs 4.5 and 4.6 of the Report. Additionally, in response to Coity Higher Community Council's concern about the purpose in the Development Brief to provide a cycle way over Croesty Lane, all references in the text and plans of the document will be removed.

A representative of Barton Willmore Planning Consultants then responded to questions from the Committee on the Development Brief.

RESOLVED: That the North-East Development Brief be approved as interim development control guidance, subject to those amendments detailed in paragraphs 4.5 and 4.6 and referred to in Appendix B of the Report.

458 TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATIONS GRANTED UNCONDITIONALLY

RESOLVED: (1) That plenary power be given to the Corporate Director Communities to issue an unconditional decision notice after 21 December if no new adverse representatives are received.

Code No. Proposal

P/10/856/FUL 1 The Square, Off Newcastle Hill, Bridgend - Change wood framed windows to UPVC (Article 4 Direction)

(2) That the Corporate Director Communities write to all Town and Community Councils reminding them of their obligation in relation to commenting upon planning applications.

459 TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATIONS GRANTED CONDITIONALLY

RESOLVED: That the following applications be granted, subject to the conditions contained in the report of the Corporate Director - Communities:-

Code No. Proposal

P/10/638/FUL Land at Heol Broom, Mawdlam, Pyle, Bridgend - Create new access from Heol Broom Adj to existing one to allow purchaser of landlocked land entry.

P/10/684/FUL Hendre Ifan Goch, Glynogwr, Blackmill, Bridgend - 60 pitch caravan site (mobile), landscape and ancillary accommodation (Office - Toilets).

Subject to the inclusion of additional Conditions 7, 8 and 9 as follows:-

7. The proposed means of access shall be laid out with 6m metre radius kerbing on either side of the entrance constructed and retained in permanent materials as approved in writing by the Local Planning Authority with vision splays of 2.4m x 33m

before the development is brought into beneficial use and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

(Policy TM3 - Bridgend Unitary Development Plan)

8. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas.

Reason: In the interests of highway safety.

(Policy TM3 - Bridgend Unitary Development Plan)

9. The access shall be completed in permanent materials for a distance of no less than 15m from the edge of carriageway in accordance with the approved layout prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

(Policy TM3 - Bridgend Unitary Development Plan)

P/10/803/FUL 17 Llwyn Coch, Broadlands, Bridgend - Convert integral garage into room (home office) for use as Osteopathic business.

460 TOWN AND COUNTRY PLANNING ACT 1990
SECTION 106 AGREEMENTS

- RESOLVED:** (1) That in respect of the following application, the applicant be required to enter into a Section 106 Agreement to (a) within two months of the date of the consent to seek to stop up the highway immediately south of the proposed building as per drawing 5770 PL105, (b) following the stopping up of the highway as required by (a) above to erect a wall south of the proposed building as per drawings 5770 PL105 and PL141 with a gate in the western side of the wall, (c) provide £2,500 to the Council on the completion of the Agreement towards soft and hard landscaping south of the building to be used in conjunction with the Council's convergence project for Bridgend Town Centre.
- (2) A decision notice granting consent of this proposal be issued, once the applicant has made the required contribution, subject to the conditions in the report of the Corporate Director – Communities:-

Code No.

Proposal

P/10/697/FUL Elder Yard, Bridgend - New Development of 2 Retail Units.

Subject to the inclusion of additional note (I)

- (I) The developer is reminded that the indicative projecting signs shown on the elevational drawings do not form part of this consent and that a separate application for advertisement consent would be necessary for any illuminated signs on these units.
- (3) That the applicant enter into a Section 106 Agreement to contribute £332,843 (index linked from 1 January 2011) towards affordable housing in the Borough prior to the commencement of development on site.
- (4) The Corporate Director - Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant had entered into the aforementioned Section 106 Agreement, and subject to the conditions contained in the report of the Corporate Director - Communities.

Code No.

Proposal

P/20/669/FUL

Land rear of The Seabank Hotel, The Green Avenue, Porthcawl - Redevelopment to form 60 assisted living extra care apartments for older people communal facilities/parking.

461 TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION REFERRED TO COUNCIL

RESOLVED: (1) That the following application be referred to Council as a proposal that is a departure from the Development Plan that the Development Control Committee are not disposed to refuse for the reasons contained in the report of the Corporate Director - Communities:-

Code No.

Proposal

P/10/790/FUL

Block C, Brackla Industiral Estate, Bridgend - Change of use of building from Class B2 to Class D2 (Assembly and Leisure).

- (2) That if Council resolve to approve the proposal then the conditions contained in the report of the Corporate Director - Communities are to be included on the consent.

462 TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION DEFFERED

RESOLVED: That consideration of this application be deferred until the February 2011 Development Control Committee should the required Section 106 Agreement not have been concluded.

Code No.

Proposal

P/08/1131/OUT Land at rear of 1 Ty Draw Crescent, Pyle, Bridgend CF33 4AN - Residential development.

463 APPEALS RECEIVED

RESOLVED: That the appeals received since the last meeting of the Development Control Committee, as outlined in the report of the Corporate Director - Communities, be noted.

464 APPEALS DECISIONS

RESOLVED: (1) That it be noted that the Inspector appointed by the National Assembly for Wales to determine the following Appeal, has directed that it be DISMISSED:-

Code No. Subject of Appeal

A/10/2138076 (1646) Retention of fence in front garden at 2 Priory Close, Bridgend.

(2) That it be noted that the Inspector has amended the procedure for dealing with the following appeals from written representation to Public Inquiries:-

Code No. Subject of Appeal

C/10/2132573 (1638) Unauthorised containers on land at Moor Lane, Porthcawl.

A/10/2136336 (1647) Vary condition of P/99/937 for opening hours to be 07.00am to 04.00am Thursday to Sunday inclusive at 39 Wyndham Street, Bridgend.

465 CONSULTATION ON PROPOSED CHANGES TO HOUSEHOLDER PERMITTED DEVELOPER RIGHTS.

The Development Control Manager reported that the Welsh Assembly Government had issued a consultation document in respect of proposed changes to householder permitted developer rights. Permitted development is development that can be undertaken without the need to apply for planning permission, as it is already allowed under the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) as amended for Wales.

The Welsh Assembly Government intends to introduce amendments that build on and reflect the operation of those changes, to Part 1 of the GPDO made in England in 2008. The Grimley study which recommended extending permitted development rights also made the working assumption that the number of small scale application would reduce, allowing local planning authorities to concentrate time and resources on the more important applications.

He stated that the Welsh Assembly Government believed that the proposed amendments would principally:

- Deliver a more permissive regime than exists at present, to allow householders more freedom to make improvements and alternations within

the curtilage of their property without the need to make a planning application.

- Set specific restrictions and conditions for a number of householder permitted development rights to ensure that such developments are carried out in a manner that minimises impact on others, and take account of flood prevention measures.

The Development Control Manager outlined the revisions to Part 1 of the GDPO which the Welsh Assembly Government consider are necessary to be made.

In Wales 42 of the planning applications were householder proposals in 2009 but this was at 54% in 2005. Bridgend had 52% householder applications in 2009 and 60% in 2005. Of the householder applications received by Bridgend 6% were refused and 21% were the subject of negotiations to improve their design and avoid/minimise impact on neighbours' amenities. Others were the subject of planning conditions to make them acceptable, whether to do with materials, obscure glazing or highway safety matters. Bridgend has a higher proportion of householder applications compared to Wales as a whole and exercised positive control over a quarter of all such applications, notwithstanding those made acceptable by the imposition of a condition.

He stated that householder applications can be very contentious, with 18% of applications reported to Committee being householder development rights under the Development Clauses in Part 1 of Schedule 2 of the GDPO. Permitted Development rights for process (Development Clause D) will remain unchanged. Development relating to microwave antenna (Development Class H) will also remain largely unchanged.

The Development Control Manager reported that the Welsh Assembly Government had posed a series of questions which were the subject of responses.

RESOLVED: That the report of the Corporate Director - Communities be forwarded to the Welsh Assembly Government as reflecting the views of this Local Planning Authority subject to an amendment to the third response to question 11 to read "Have English Authorities been consulted to establish whether they believe the system is now more efficient with the changes to Part 1 of the GPDO?"

466 PROCEEDS OF CRIME APPLICATION (POCA) ANDREWS CLOSE, TONDU

The Development Control Manager reported that conditional planning consent was granted for 21 detached dwellings on land at Andrews Close, Tondu in 2002. One of the conditions of the consent required the provision of a play area on land within the development. Two subsequent applications were submitted in 2005 and 2007 for the site of the proposed play area to accommodate further residential dwellings. Both were refused and one resulted in an appeal which was successfully defended by the Authority.

An Enforcement Notice was served in April 2008 to require the provision of play equipment which set out what the developer was required to providing items of equipment and landscaping. The Notice provided six months from the date of the Notice coming into effect for the work to be completed. An appeal against the

Notice was submitted but was dismissed and the Inspector upheld the Notice in full with no alterations.

He stated that work on the play area should have been completed by March 2010, and Officers found that work had not been completed with no sign of the work starting. The developer was advised that if the Notice was not complied with, legal proceedings would commence. Legal proceedings commenced and the developers were successfully prosecuted in July 2010 for non-compliance with the Enforcement Notice and fined £3,500, £100 costs and £15 victim surcharge. During the hearing the developers acknowledged the fact that they were unlikely to be able to provide the play equipment. One of the options was the Local Planning Authority providing the equipment and then placing a charge on the remaining plots. This was problematic as the costs of providing the equipment was in the region of £18,000 and the Development Department did not have such resources, particularly as there was no surety that the money could ever be recovered.

He reported that as the non-compliance with the Enforcement Notice is an on-going offence, a further prosecution was taken to the Magistrates Court. The Solicitors acting on behalf of the Local Planning Authority requested that the case be referred to the County Court so that an application under the Proceeds of Crime Act could be made. The developers who were going through liquidation proceedings at the said time, did not turn up at the County Court Hearing. The developers failed to turn up at the second hearing which was adjourned. However, at the third hearing the case proceeded without the defendants or their representative being present.

An application was made by the Barrister acting on behalf of the Council under the Proceeds of Crime Act. The Judge made an order against the company for the amount to which the developers had benefitted by committing an Enforcement Order offence. In addition to the £18,000 which the judge ordered to be paid to the Council forthwith, the developers were also fined £10,000 with £2,000 costs and those running the Company were warned they could be banned from setting up other businesses in the future. The Judge indicated that the defendants' liquidation process was to be complete on the day of the hearing and as such monies were unlikely to be paid, but clearly believed that making a judgment of this kind was worthwhile. To date, the money had not been paid and may never be received in full, however, this had set a strong message to developers undertaking breaches of planning control and failing to comply with Notices.

RESOLVED: That the report of the Corporate Director - Communities be noted.

467 TRAINING LOG

RESOLVED: That the report of the Corporate Director - Communities and the need to re-arrange the Design Commission for Wales presentation on 'No Place Like Home' as the date of the Committee has to be changed in view of the Assembly elections, be noted.

468 VERBAL UPDATE - ISLAND FARM

The Group Manager Development reminded the Committee that it had previously resolved that enhanced public speaking rights, and a separate site visit should apply to the planning application for the Island Farm site. Given the importance of

the proposal he asked Committee whether it would also now wish the matter to be considered at a special meeting of the Development Control Committee to be arranged.

RESOLVED: That the Committee considered the application to be an extraordinary proposal and that a special meeting of the Development Control Committee take place between February and March 2011 and that enhanced public speaking arrangements apply.

469 PENCOED REGENERATION STRATEGY AND ACTION PLAN
SUPPLEMENTARY PLANNING GUIDANCE

The Group Manager Development reported on the outcome of the draft Pencoed Regeneration Strategy and Action Plan Supplementary Planning Guidance (SPG) document. He sought agreement to the proposed amendments to the draft document and to recommend that Council adopt it as SPG to the Bridgend Unitary Development Plan.

He reported that Cabinet at its meeting on 7 September 2010 and the Development Control Committee on 23 September 2010 had endorsed the strategy as the basis for public consultation. The consultation was held between 21 October and 3 December 2010 and by the end of the consultation period 30 representations were received, which were appended to the report. The Committee was also informed of the responses to the specific questions which related to the vision, objectives and projects in the strategy and if they were supported or not. He summarised the main areas of change in the document arising from the public consultation.

- RESOLVED (1) That the Committee:-
- (a) considered each of the representations received;
 - (b) approved the suggested reasoned response; and
 - (c) agreed the decisions and actions proposed and the consequential proposed changes to the draft Pencoed Regeneration Strategy and Action Plan Supplementary Planning Guidance contained in Appendix 1, including those relating to the late representation document for adoption and subsequent publication.
- (2) That the Committee recommends to Council that:
- (a) it adopts the Pencoed Regeneration Strategy and Action Plan (as amended by the changes in Appendix 1 and highlighted in paragraph 4.3 of the report) as Supplementary Planning Guidance (SPG) to the adopted Bridgend Unitary Development Plan.
 - (b) the SPG, in its adopted form be published in hard copy and on the Council's website.

The meeting closed at 3.46pm.

