

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE  
HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND  
ON THURSDAY, 20 SEPTEMBER 2012 AT 2.00PM

Present:-

Councillor H M Williams - Chairperson

<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>
N Clarke	P N John	J C Spanswick	M Winter
G W Davies	B Jones	G Thomas	R E Young
P A Davies	C Jones	J H Tildesley	
D M Hughes	D R W Lewis	C Westwood	
C J James	C E Rees	R Williams	

Officers:

D Llewellyn	- Group Manager Development
D C Davies	- Development Control Manager
J Jenkins	- Team Leader (East)
C Flower	- Team Leader Technical Support
N Moore	- Team Leader Policy and Development
A Carey	- Transportation Development Control Officer
B Davies	- Legal Officer
G Denning	Principal S106 Officer
P Stanton	- Service Manager – Environmental Health
M A Galvin	- Senior Democratic Services Officer - Committees
K Stephens	- Democratic Services Assistant (Electronic Back-up)

54 APOLOGIES FOR ABSENCE

There were no apologies for absence.

55 DATE FOR PROPOSED SITE INSPECTIONS

RESOLVED: That the date for site inspections (if any) arising from today's meeting, or identified in advance of the next meeting of Committee by the Chairperson, be confirmed as Wednesday, 17 October 2012 (am).

56 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the Development Control Committee of 23 August 2012 be approved as a true and accurate record.

57 LIST OF PUBLIC SPEAKERS

The Chairperson read out for the benefit of those present the names of the public speakers addressing the following applications being considered at the meeting:-

<u>Name</u>	<u>Planning Application Number</u>	<u>Reason for Speaking</u>
Councillor G Phillips	P/12/478/RLX	Ward Member
Councillor E Hughes	P/12/478/RLX	Ward Member
A Blackman	P/12/478/RLX	Objector to the application
A Cleary	P/12/478/RLX	Applicant

58 DECLARATIONS OF INTEREST

The following declarations of interest were made:-

- Councillor C J James - P/12/378/FUL - Councillor James declared a prejudicial interest as the family subject of the application were known to him. Councillor James left the meeting during consideration of this item
- Councillor R Williams - P/12/378/FUL - Councillor Williams declared a prejudicial interest as the applicant was known to him. Councillor Williams left the meeting during consideration of this item

59 CHAIRPERSON'S ANNOUNCEMENT

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

60 TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING APPLICATIONS GRANTED CONDITIONALLY

RESOLVED: That the following application be granted subject to the Conditions contained in the report of the Corporate Director Communities:-

<u>Code No.</u>	<u>Proposal</u>
P/12/378/FUL	Hare Grove Farm, Laleston, Bridgend – One 50kw Wind turbine with max blade height of 35M & assoc. Access track, Hardstand, etc

Subject to the inclusion of the following Condition 3:-

3. If the wind turbine hereby approved fails to produce electricity for a continuous period of 12 months the wind turbine and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of that 12 month period unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the future turbine produces electricity whilst in situ, and that it is removed from the land if it ceases to function.

( Policies EV7, EV45 and U3 of the Bridgend Unitary Development Plan)

61 TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING APPLICATION GRANTED FOR RELAXATION OF CONDITION(S)

RESOLVED: That the following application for relaxation of a Condition be granted subject to the Conditions contained in the report of the Corporate Director – Communities:-

Code No.                      Proposal

P/12/478/RLX                      Mcdonalds Restaurant, Picton Gardens, Bridgend – Relax Condition 2 of 92/1199 to allow Restaurant to trade 24 hours a day 7 days a week.

Subject to Condition 1 of the report being re-worded as follows:-

1. Prior to the variation of the trading hours hereby approved commencing, the mitigation measures as detailed in the noise assessment addendum (ref. LA/1207/03L/ML) dated 22 June 2012 submitted in support of this application shall be implemented in full so as to achieve a BS4142 rating noise 6 decibels below the quietest background at Receptor 1 (64 Picton Gardens)

Reason: To maintain noise levels at a sustainable level in the interests of residential amenities.

(Policy EV27 Bridgend Unitary Development Plan)

62      TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING APPLICATION DEFERRED

RESOLVED:                      That the following application be deferred for the reason outlined in the Amendment Sheet to the report:-

Code No.                      Proposal

P/12/424/OUT                      Rear 10 Pen-Y-Fai Road, Aberkenfig, Bridgend – Proposed development of 2 No. garages to rear of 10/12 Pen Y Fai Road.

63      TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING APPLICATIONS REFERRED TO COUNCIL

RESOLVED: (1)                      That the following applications be referred to Council as proposals that are departures from the Development Plan, for the reasons given in the report of the Corporate Director - Communities:-

Code No.                      Proposal

P/12/321/OUT                      Newmarket Works, Wyndham Street, Ogmere Vale, Bridgend – Outline Planning Consent for Industrial Buildings adjacent to existing Joinery workshops

P/12/484/FUL                      Land Adj. 5 Nicholls Road, Coytrahen, Bridgend – Proposed House

- (2) That should Council resolve to approve the above proposals, then this be subject to the Conditions contained in the report, subject to the inclusion of the following additional Conditions 6 and 7, in respect of Planning application P/12/321/OUT:-

6. Construction of the building hereby permitted shall not begin until an Interim Certificate has been submitted to the Local Planning Authority certifying that a minimum BREEAM Very Good and a minimum of credits for Excellent under ENE1 – building emissions rate will be achieved for that building in accordance with the requirements of BREEAM 2010.

Reason: In the interests of sustainability

(Policy U1 – Bridgend Unitary Development Plan)

7. Prior to the occupation of the building hereby permitted, a Final Certificate shall be submitted to the Local Planning Authority certifying that a minimum BREEAM overall Very Good and a minimum of credits for Excellent under ENE1 – building emissions rate has been achieved for that building in accordance with the requirements of BREEAM 2010.

Reason: In the interests of sustainability

(Policy U1 – Bridgend Unitary Development Plan)

64 APPEALS RECEIVED

RESOLVED: That the Appeals outlined in the report of the Corporate Director received since the last scheduled meeting of the Development Control Committee be noted.

65 APPEALS DECISIONS

RESOLVED: (1) That it be noted that the Inspector appointed by the Welsh Minister to determine the following appeal has directed that it be ALLOWED, subject to the conditions contained in the report of the Corporate Director - Communities:-

Code No.                      Subject of Appeal

A/12/2175475 (1690) Amendment to 11/637 (Change of use of Annexe to new dwelling) – Increase in roof height & Fenestration alteration: 46 A West Drive, Porthcawl.

- (2) That it be noted that the Inspector appointed by the National Assembly for Wales to determine the following appeals has directed that they be DISMISSED:

Code No.                      Subject of Appeal

A/12/2174146 (1689) Proposed 2 Bedroom Dormer bungalow & garage the Paddock, New Inn Road, Bridgend.

A/12/2175286 (1689) Vary Condition of P/08/747/FUL to extend opening hours to Sun – Thurs 10.00 – 01.00 & Fri – Sat 10.00 0 02.00: 125 Commercial Street, Maesteg

A/12/2175993 (1694) Convert existing outbuilding to 2 bed dwelling & demolish existing extension: Hoe Farm Coytrahen

66      PRACTICE GUIDANCE: RENEWABLE AND LOW CARBON ENERGY IN BUILDINGS

The Corporate Director – Communities submitted a report on the above guidance, recently produced by Welsh Government for planners, architects and developers.

The Group Manager Development advised that the document containing this had been tabled for members, and he referred them to page 56 that contained some very useful information in relation to Wind Farm applications.

The report confirmed that the guidance in the document had been broken down into 8 easy to read Sections, and details of these were outlined in the report.

The Group Manager Development, confirmed that the guidance would also be crucial in the future to Policy ENV17 of the Bridgend Local Development Plan, as this when adopted, will require major development applications to be accompanied by an energy assessment to examine the feasibility of integrating renewable energy generation into development schemes.

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

67      PLANNING: A GUIDE FOR LOCAL PLANNING AUTHORITY MEMBERS IN WALES

The Group Manager Development submitted a report, advising that the RTPI had produced a short booklet that provided a very basic explanation for Members of the planning process, on general planning issues as described within the report.

The Group Manager Development explained that this booklet would prove of some use for Members who were not on the Development Control Committee, in order for them to learn the basic principles of the planning process.

A copy of this booklet had been made available for all new Members not on the Development Control Committee, following the May elections

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

68      IMPORTANT NETWORK CHANGES INVOLVING CONNECTIONS TO THE PUBLIC SEWER NETWORK FROM 1 OCTOBER 2012

The Corporate Director – Communities presented a report, which advised Committee that on 1 October 2011, the ownership of the vast majority of private sewers and lateral drains were transferred to Welsh Water. This clarified the issue

of ownership and maintenance and as a result Welsh Water now dealt with all problems that arose with these sewers and drains.

The report also confirmed that after 1 October 2012, it would be mandatory for developers to enter into a Section 104 Adoption Agreement with Welsh Water. It will now be an offence to install a public sewer or lateral drain without having an adoption agreement in place. This would ensure that all sewers and lateral drains are adopted as part of the sewer system, and would also ensure they are built to a minimum mandatory standard.

The report finally advised that Appendix A and Appendix B of the report gave further information in the form of a Newsletter from WG and a Circular from Welsh Water, respectively.

**RESOLVED:** That the report be noted.

69 **TRAINING LOG**

**RESOLVED:** (1) That the dates of the Development Control Committee following training sessions as outlined in the report of the Corporate Director - Communities be noted:-

<b>Facilitator</b>	<b>Subject</b>	<b>Date</b>	<b>Time</b>
Environment Agency	"Flooding and water framework directive"	18/10/12	12.15pm
Design Commission for Wales	"Good design"	13/12/12	12/15pm
Richard Poppleton - Planning Inspectorate	"The Planning Inspectorate's Perspective"	7/2/13	12.15pm

(2) That dates for other topics as follows and speakers to be arranged also be noted, subject to the training session on "Planning Portal" and Play "Efficient Assessment" being added to this list.

<b>Facilitator</b>	<b>Subject</b>
Countryside Council for Wales	"Biodiversity"
Glamorgan & Gwent Archaeological Trust	"Archaeology"
Ray Pearce - BCBC Regeneration Team	"Economic development"
Claire Hamm - BCBC Regeneration Team	"Conservation and listed buildings"
Brian Wallace - BCBC Building Control Team	"Building control functions"
Nigel Moore - BCBC Highways Department	"Highway safety"
AECOM Consultants	"Results of Green Neighbourhood Network"

Planning Portal

“Use of the Planning Portal”

70 DEMONSTRATION OF E:GOVT FACILITIES

The Corporate Director - Communities submitted a report, which confirmed that the Development Control Section of the Development Department now uses a number of electronic mapping and software systems that positively contribute toward the provision of an efficient Development Control service.

The Development Control Manager then proceeded to provide a short demonstration of these some of which Members were familiar with, ie Swiftmap, Ocella, Anite Document Management System, Hugh Symonds scanned electronic records and Google Maps.

RESOLVED: That the demonstration of the of the Development Departments e-government facilities delivered by the Development Control Manager be noted.

71 COMMUNITY INFRASTRUCTURE LEVY

The Corporate Director – Communities submitted a report that sought Committee approval to recommend to Cabinet that approval be given to undertake a Visibility Study to help determine the feasibility of implementing the Community Infrastructure Levy (CIL) Regulations 2010 within the County Borough of Bridgend.

The Planning Act 2008 and the CIL Regulations 2010 have introduced a new regime for funding infrastructure to support new development, as outlined in the Council’s emerging Local Development Plan (LDP).

The Principal Section 106 Officer confirmed that the introduction of CIL is not a mandatory requirement for local authorities. However, the new legislation effectively scales back the scope of Section 106 legal agreements, limiting them to affordable housing (although central government are considering bringing this within the CIL regulations) and ‘on site’ mitigation measures, therefore if the Council does not implement a CIL it will potentially lose out on collecting contributions from developers to fund vital infrastructure.

The CIL Regulations 2010 came into force on 6<sup>th</sup> April 2010 and placed limitations on the use of planning obligations. From this date a planning obligation may only constitute a reason for granting planning permission if it complies with the three tests stated in the Regulations, namely, that it is:-

- (i) necessary to make the development acceptable in planning terms;
- (ii) directly related to the proposed development; and
- (iii) fairly and reasonably related in scale and kind to the proposed development.

However, the Principal Section 106 Officer advised that from April 2014, no more than 5 separate planning obligations can be used to provide a single defined infrastructure project or type of infrastructure. This will have significant implications for strategic obligations, which are based on cumulative impact and require pooled contributions for their delivery, and for those obligations which relate to the same types of infrastructure such as education facilities or highway improvements that do not identify a specific project.

CIL is prepared and set by the local planning authority. The charging system will need to consider the total costs of infrastructure provision resulting from development within the County Borough, (as set out in the Local Development Plan), against existing funding streams and the viability of that development. CIL will also rationalise the land uses that will be subject to the charge, with all land uses being potentially liable. It should be noted that the CIL would not be a standardised charge paid by all types of development. The CIL schedule is likely to set out differential rates reflecting the size, nature and viability of different land uses within the County Borough and is likely to be applied on a zonal basis.

The principal implications for the Council in preparing CIL he confirmed, are resources and funding. The preparation of CIL will require corporate backing and a corporate desire to be realised. The component parts of the final CIL Charging Schedule will comprise matters originating from service areas throughout the whole Council. Whilst the planning service would lead on the preparation of CIL, as it will be realised through the planning application system, the CIL Charging Schedule will be a corporate document that will help to realise the Council's aims and objectives in developing the County Borough.

The Principal Section 106 Officer confirmed that the purpose of CIL is to provide infrastructure necessary to allow development to take place that is in accordance with the LDP. Therefore the Council will be able to utilise an approved CIL once the LDP has been adopted, although the preparation of CIL is likely to take a number of years to complete, with existing obligations and S106 agreements being utilised in the meantime.

It is acknowledged that the full cost of preparing CIL is not known at this time. Given the current economic climate there are legitimate concerns over committing the Council to a procedure that will have significant cost implications. The major area of unknown costs lies in the investigative work that may be required to provide sufficiently robust evidence for the inclusion of some elements in the CIL.

The Principal Section 106 Officer confirmed that there are two distinct elements of work that can be identified:

- (i) A valuation exercise to establish the cost of the infrastructure the Council would wish to fund from CIL.
- (ii) A viability exercise to establish the economic viability of charging CIL throughout the County Borough.

It is difficult to provide estimates for (i) at the moment, as the precise nature of the infrastructural requirements of the County Borough will be determined by the examination of the LDP. However, the opportunity now exists to commence (ii) building upon the work undertaken in the preparation of the LDP evidence base.

In order to achieve consistency between the Council's affordable housing policies and CIL, the viability work would resemble an update of the Affordable Housing Viability Study. The Council has obtained a quote of £12,968 (excl VAT) to undertake the work, which would take approximately 3 months to complete the cost of which can be met from existing budgets.

It is acknowledged that the likely cost of preparing CIL will be significant and will require a council commitment to fund these costs to realise the CIL Charge. However the CIL Regulations include the provision for Councils to claw back some of the initial costs of preparing CIL once it has been implemented concluded the Principal Section 106 Officer.



RESOLVED: That Committee agreed to recommend to Cabinet that exploratory work is undertaken to establish the economic viability of operating a CIL charge in Bridgend County Borough Council.

The meeting closed at 3.45pm.