

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE  
HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON  
THURSDAY, 18 OCTOBER 2012 AT 2.00PM

Present:-

Councillor H M Williams - Chairperson

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

Officers:

|             |   |
|-------------|---|
| D Llewellyn | - Group Manager Development                                     |
| D C Davies  | - Development Control Manager                                   |
| J Parsons   | - Team Leader (West)  |
| 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                        |
| H Williams  | - Senior Environmental Health Officer                           |
| B Wallace   | - Building Control Manager                                      |
| M A Galvin  | - Senior Democratic Services Officer - Committees               |
| J Monks     | - Democratic Services Officer - Committees (Electronic Back-up) |

72 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:-

Councillor R Williams – Unwell  
Councillor B Jones – Work commitments  
Councillor P John – In hospital  
Councillor J C Spanswick – Attending a funeral

73 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, 14 November 2012 (am).

74 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the Development Control Committee of 20 September 2012, be approved as a true and accurate record.

75 LIST OF PUBLIC SPEAKERS

The Group Manager 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>                       |
|-------------|------------------------------------|--|
| C Hiatt     | P/12/589/FUL                       | Objector to the application<br>Applicant's agent |
| P Watkin    | P/12/589/FUL                       |  |

76 DECLARATIONS OF INTEREST

The following declarations of interest were made:-

- Councillor N Clarke - P/12/450/FUL, P/12/512/FUL, P/12/368/FUL, P/12/480/BCB and P/12/605/BCB - Councillor Clarke declared a personal interest as a Member of Porthcawl Town Council but who took no part in planning matters.
- Councillor G W Davies - P/12/655/FUL - Councillor Davies declared a personal interest as a Member of Maesteg Town Council but who took no part in planning matters
- Councillor D Lewis - P/12/589/FUL – Councillor Lewis declared a personal interest as he was acquainted with the public speaker representing Nantymoel RFC
- Councillor C Rees - P/12/450/FUL, P/12/450/BCB, P/12/512/FUL, P/11/531/FUL, P/12/368/FUL and P/12/605/BCB – Councillor Rees declared a personal interest as a Member of Porthcawl Town Council but who took no part in planning matters.
- Councillor G Thomas - P/12/589/FUL – Councillor Thomas declared a prejudicial interest as the public speaker acting as the Applicant's agent was well known to him. Cllr Thomas left the meeting whilst this item was being considered.
- Councillor M Winter - P/12/589/FUL – Councillor Winter declared a personal interest as he was acquainted with the public speaker representing Nantymoel RFC.

77 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.

78 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:-

| <u>Code No.</u> | <u>Proposal</u>  |
|-----------------|--|
| P/12/450/FUL    | <p>Land at Moor Lane, Porthcawl, Bridgend – Proposed fencing &amp; entrance gates to site boundary &amp; divert Footpath 12 Porthcawl</p> <p>Subject to Condition 1 of the report being amended as follows, and to the inclusion of the following Notes d) and e):-</p> <p>1. Notwithstanding the submitted details, no development shall commence on site until full details of the proposed fencing and gate and the exact positioning and extent of the fence on the eastern boundary of the site have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan. The 3M fence on the eastern boundary of the site shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of visual amenity<br/>(Policy EV7 and EV45 Bridgend Unitary Development Plan)</p> <p><u>Notes:</u></p> <p>d) The detailed positioning and extent of the 3M high fence along the eastern boundary of the site, required by Condition 1, shall be shown on a 1:200 plan and shall include details of the position and extent of the 5M reserved swathe of land adjacent to the boundary</p> <p>e) The Rights of Way Officer has advised that the extent of the proposed footpath diversion and the 3M high fence shown on Drawing No. AL (90)02 Rev. B appears to extend beyond the point where the footpath currently enters the golf course</p> |
| P/12/512/FUL    | <p>Dan Y Graig Farm, Elder Drive, Porthcawl, Bridgend – Conversion of derelict farm buildings to holiday accommodation – 2 Units</p> <p><u>Note:</u></p> <p>An amended Site location plan was attached at Appendix A to the Amendment sheet. This outlined the access route to the site in question.</p>   |
| P/12/589/FUL    | <p>Nantymoel RFC, 82-84 Ogwy Street, Nantymoel, Bridgend – Construct raised patio smoking area with handrail and boundary fencing to southern side</p> <p>Subject to reference to the 1.8m high timber fencing in Condition 1 of the report being amended to 2m high timber fencing.</p>   |

79 TOWN AND COUNTRY PLANNING ACT 1990  
DEVELOPMENTS BY BRIDGEND COUNTY BOROUGH COUNCIL

RESOLVED: (1) That for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, the Council carry out the following developments:-

| <u>Code No.</u> | <u>Proposal</u>  |
|-----------------|--|
| P/12/480/BCB    | Land off Eastern Promenade/The Portway, Porthcawl, Bridgend – Raising of ground levels and construction of Footpath across site.                               |
| P/12/605/BCB    | Eastern Promenade & The Portway, Porthcawl, Bridgend – Realignment and raising levels of existing highway and improvement of drainage network                  |
| (2)             | That permission be deemed to be granted for the above applications, subject to the Conditions contained in the report of the Corporate Director – Communities. |

80 TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING APPLICATIONS REFUSED (FOR NON DETERMINATION)

RESOLVED: That having regard to the following applications, that the recommended reasons for refusal as outlined in the report of the Corporate Director – Communities form the basis for the Council's case against the Appeals due to non determination:-

| <u>Code No.</u> | <u>Proposal</u>   |
|-----------------|---|
| P/12/368/FUL    | Newton Down windfarm, Stormy Lane, Porthcawl, Bridgend – Two wind turbines with max. height blade tip of 125M with vehicular access, site tracks and associated works.  |
| P/11/531/FUL    | Former Stormy Down Aerodrome, Bridgend – Provision of 1 Wind turbine on site of former water tower.   |
|                 | Subject to the amendment of reasons 1, 3 and 4 for refusal, as follows:-  |
|                 | <ol style="list-style-type: none"><li>1. The development is located close to a populated area and a number of residential dwellings on an elevated site above Porthcawl, the Glamorgan Heritage Coast and Merthyr Mawr, Kenfig and Margam Burrows Historic Landscape (as it applies to BCBC). The turbine by virtue of its size, scale and appearance will represent an incongruous and dominating feature within the landscape and surrounding area, and will be detrimental to visual amenity and to the setting of the Glamorgan Heritage Coast and Historic Landscape. As such, the development is contrary to national policy in Planning Policy Wales and Technical Advice Note 8 and policies EV1, EV7, EV9, EV27, EV28, EV42, EV45 U2 and U3 of the Bridgend Unitary Development Plan.</li><li>3. There is insufficient information submitted with the application to adequately assess the impact of the development on nearby residential dwellings in terms of visual impact and shadow flicker and also the visual impact on the users of the adjacent A48 and M4. There is also insufficient information submitted to assess the impact upon the local highway network, local biodiversity, drainage and hydrology. As such the proposal is contrary to National planning guidance in Planning Policy Wales and Technical Advice Note 8 and policies U2 and U3 of the Bridgend Unitary Development Plan.</li></ol> |

4. The cumulative impact of the proposed development and the adjacent Newton Down wind turbine by virtue of their size, scale and appearance will appear as a single wind farm development and represent incongruous and dominating features within the landscape and surrounding area, and will be detrimental to visual amenity and to the setting of the Glamorgan Heritage Coast and Merthyr Mawr, Kenfig and Margam Burrows Historic Landscape (as it applies to BCBC). As such, the development is contrary to national policy in Planning Policy Wales and Technical Advice Note 8 and policies EV1, EV7, EV9, EV42, EV45, U2 and U3 of the Bridgend Unitary Development Plan.

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

RESOLVED: (1) That the following application be referred to Council as a proposal that is a departure from the Development Plan, for the reason outlined in the report of the Corporate Director - Communities:-

| <u>Code No.</u> | <u>Proposal</u>   |
|-----------------|---|
| P/12/655/FUL    | Unit 1, Tyle Teg, Heol Ty Gwyn Ind. Estate, Maesteg – Change of use from industrial to D2 leisure use – Sports Strength Conditioning Fitness Facility |

- (2) That should Council resolve to approve the above proposal, then this be subject to the Condition and Note outlined in the report.

82 APPEALS RECEIVED

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

83 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, and the Condition which the Appeal was against is deleted:-

| <u>Code No.</u>     | <u>Subject of Appeal</u>   |
|---------------------|--|
| A/12/2177969 (1690) | Change of use from restaurant to tanning centre including new shopfront & rear screen at Windsor Buildings, 6-10 Queen Street, Bridgend. |

The Group Manager Development advised the Committee that there was serious concern regarding the decision to allow the above Appeal, and due to this he sought the support of Members to take this matter up further with the Chief Planning Inspector.

- (2) That Members agreed that the Legal Officer for the Development Control Committee be sent a copy of the Decision letter from the Welsh Minister, in order that he may examine the reasons as to why the Appeal was allowed, and upon his direction, to pursue an appropriate course of action in respect of the Local Planning

Authority's concerns over the process that was followed which resulted in the Planning Inspector's decision.

84 TOWARDS A WELSH PLANNING ACT: ENSURING THE PLANNING SYSTEM DELIVERS – REPORT FROM THE INDEPENDENT ADVISORY GROUP ON PLANNING

The Corporate Director – Communities submitted a report, that reminded Members that the Welsh Government had established an Independent Advisory Group (IAG) in 2011, to “consider options on how to deliver the planning system in the future”.

The report advised that the IAG issued a ‘Call for Evidence’ and Bridgend County Borough Council’s response to this was reported to Committee at its meeting on 9 February 2012.

The Group’s report was subsequently published by the Welsh Government on 17 September 2012.

Though the IAG believed the planning system to be sound, they felt that the system was under strain and would therefore benefit from some reform. These reforms covered a total of 97 recommendations.

The IAG recommended that the future Planning Bill includes a statutory purpose for planning which was outlined in paragraph 6 of the report.

The key recommendations from the report, were outlined in the Officer’s report, and covered Development Plans, Development Management, Planning Committees, Planning Advisory and Improvement Body (PAIB), and Resources.

An Executive Summary of the report was attached at Appendix A to the report of the Corporate Director – Communities, though the full report was available online.

RESOLVED: That the Committee noted the report.

85 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.

| <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"             |

86 DEVELOPMENT CONTROL, APPEAL, ENFORCEMENT AND BUILDING CONTROL QUARTERLY STATISTICS

The Committee received a report which gave statistical information for 1 July to 30 September 2012.

The Development Control Manager reported on the number of applications determined and the reasons for the under mentioned applications. He stated that the Authority had processed 85% of applications within eight weeks compared to 88% of applications being processed within eight weeks in the previous quarter. He stated that this was above the government target.

The Development Control Manager referred Members to page 10 of the report, and highlighted that during April – June 2012 Bridgend CBC was second out of the 25 welsh authorities for the speed of determination of planning applications within an 8 week period (the welsh average was 73%). He added, that in the last 4 quarters Bridgend had been consistent in its performance recording 2 second and 2 third positions. In respect of speed in processing minor applications, BCBC were second on 80% compared to a welsh average of 65%

The report also covered Appeals, Enforcement and Building Control statistics, and relevant Officers in turn elaborated on the statistical information relating to these areas.

In terms of enforcement cases processed, in this quarter 91% of cases were resolved within 12 weeks, the all Wales target was 80%.

The Principal Section 106 Officer reported on the progress made with Section 106 Agreements.

- RESOLVED:**
- (1) That the report of the Corporate Director Communities in relation to planning applications for the period 1 July to 30 September 2012 and progress regarding Section 106 Agreements be noted.
  - (2) That the appeals statistics for the above period be noted.
  - (3) That the statistical report on Building Control for the above period also be noted.

- (4) That the quarterly report on statistical information relating to unauthorised Developments and Enforcement Procedures be noted.

The meeting closed at 3.45pm.