

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD  
IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON  
THURSDAY, 17 OCTOBER 2013 AT 2.00PM

Present:

Councillor H M Williams - Chairperson

<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>
G W Davies MBE	R C Jones	J C Spanswick	J H Tildesley MBE
P A Davies	D R W Lewis	G Thomas	C Westwood
D M Hughes	D G Owen	M Thomas	R Williams
B Jones	C E Smith		

Officers:

D Llewellyn	-	Group Manager Development
J Parsons	-	Development & Building Control Manager
P Thomas	-	Principal Planning Officer
G Denning	-	Principal S106 Officer
C Hamm	-	Team Leader Conservation and Design
C Flower	-	Team Leader Technical Support
A Carey	-	Transportation and Development Officer
R Morgan	-	Transportation and Development Officer
B Davies	-	Legal Officer
A Rees	-	Senior Democratic Services Officer - Committees
J Monks	-	Democratic Services Officer - Committees (Electronic Back-up)

272 APOLOGIES FOR ABSENCE

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

Councillor C E Rees	-	Work Commitments
Councillor M Winter	-	Family Commitments

273 DATE FOR PROPOSED SITE INSPECTIONS

RESOLVED: That the date for site inspections (if any) arising from the meeting, or identified in advance of the next meeting of the Committee by the Chairperson, be confirmed as Wednesday, 13 November 2013 (am).

274 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting of the Development Control Committee held on 19 September 2013 were approved as a true and accurate subject to planning application number P/13/482/FUL being inserted in the declaration of interest made by Councillor D R W Lewis in minute number 264 prior to the sentence "He was also a Board member of Coity Wallia Commoners".

275 LIST OF PUBLIC SPEAKERS

The Group Manager Development read out the names of the public speakers who addressed the following applications considered at the meeting:

<u>Name of Speaker</u>	<u>Planning Application Number</u>	<u>Reason for Speaking</u>
Councillor C A Green	P/13/659/FUL	Objector
Mr R Hathaway	P/13/659/FUL	Applicant's Agent

276 DECLARATIONS OF INTEREST

The following declarations of interest were made:

- |  |   |
|--|---|
| Councillor R Williams                  | - P/13/80/FUL and P/12/678/FUL - Councillor Williams declared a personal interest as a Member of Pencoed Town Council but took no part in the consideration of planning applications.   |
| Councillor P A Davies                  | - P/13/659/FUL - Councillor Davies declared a personal interest as a Member of Laleston Community Council but took no part in the consideration of planning applications.   |
| Councillor J H Tildesley               | - P/13/659/FUL - Councillor Tildesley declared a personal interest as the applicant is known to him.  |
| Councillor B Jones                     | - P/13/524/FUL, P/13/563/FUL, P/13/268/OUT, P/13/634/OUT, P/13/523/CAC and P/13/649/FUL – Councillor Jones declared a personal interest as a member of Porthcawl Town Council but took no part in the consideration of planning applications. |
| D Llewellyn, Group Manager Development | - P/13/563/FUL - D Llewellyn, Group Manager Development declared a prejudicial interest as the applicant's agent is a personal friend and withdrew from the meeting during consideration of the application.                                  |

277 CHAIRPERSON'S ANNOUNCEMENT

The Chairperson announced 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.

278 TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING APPLICATION GRANTED UNCONDITIONALLY

RESOLVED: That the following application be granted.

Code No. Proposal

P/13/523/CAC The Elms, West End Avenue, Porthcawl, Bridgend – Demolish section of boundary wall in order to form new access.

279 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 Interim Corporate Director Communities.

Code No. Proposal

P/13/524/FUL The Elms, West End Avenue, Porthcawl, Bridgend – Construct 5 new dwellings & garage block, new access drive.

Subject to the inclusion of the following additional recommendation 10 and additional note k:-

10. No development shall commence on site until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any of the dwellings hereby approved or in accordance with a timetable to be agreed in writing by the Local Planning Authority.

Reason:- In the interests of residential amenity.

k) The landscaping scheme shall either confirm the retention of the existing hedge on the boundary of the site with No. 14 West End Avenue or show replacement planting if it is to be removed.

P/13/275/FUL St Colmans Church, Cefn Road, Cefn Cribwr, Bridgend – Three new detached three bed houses.

P/13/563/FUL 18 Lias Road & 13 Church Place, Porthcawl – C/U of ground floor 13 Church Place to D1, Retain D1 & C3 storey extension to 18 Lias Road with A1 & C3 use.

P/13/380/FUL Land at Minffrwd Road, Pencoed, Bridgend – Erection of 4 detached houses.

P/13/649/FUL Swashways 24/25 West Drive, Porthcawl, Bridgend – Alterations & Extensions to existing property & change from 1 dwelling to 2 dwellings – re-sub of P/12/495/FUL.

P/13/659/FUL Unit 5 Broadlands Centre, Gentle Way, Broadlands, Bridgend – Change the use from use class D1 to delicatessen and part use class A3 serving hot and cold food.

P/13/634/OUT 1 Locks Court, Porthcawl – Outline application to construct new dwelling – re-sub of P/13/457/OUT.

280 TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING APPLICATION DEFERRED

RESOLVED: That the following application be deferred to enable discussions to take place with the applicant on the siting of the proposed dwelling.

Code No. Proposal

P/13/268/OUT Sea View Farm, Pyle Road, Porthcawl, Bridgend – Construct agricultural workers dwelling.

281 TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING APPLICATION REFUSED

RESOLVED: That if an appeal for non-determination had not been lodged that permission would have been REFUSED for the reason(s) contained in the report of the Interim Corporate Director Communities.

Code No. Proposal

P/12/678/FUL Minffrwd Stables, Minffrwd Road, Pencoed, Bridgend – Change of use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch

Subject to the following additional reason for refusal:

3. The proposed development is at variance with the advice contained in Planning Policy Wales regarding sustainability in that it is in a remote location that is not accessible by a range of different transport modes and will rely the use of private motor vehicles (paragraph 8.7.1 of Planning Policy Wales refers).

282 APPEAL RECEIVED

RESOLVED: That the Appeal received since the last meeting of the Development Control Committee contained in the report of the Interim Corporate Director - Communities be noted.

283 APPEAL DECISION

RESOLVED: 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/13/2199132 (1722) Erection of a detached dwelling: 2 Eustace Drive, Sarn.

284 PROPOSED ADDITIONAL PERMITTED DEVELOPMENT RIGHTS FOR ELECTRONIC COMMUNICATION CODE OPERATORS (FACILITATING BROADBAND ROLL-OUT)

The Development & Building Control Manager reported that the Welsh Government had invited comments from all local planning authorities in Wales on its consultation paper regarding proposed additional permitted development rights for electronic communication code operators. He stated that the proposed modifications to the current permitted development rights by way of revisions or additions to existing procedures and regulations set out in the consultation paper. The current regulations confers permitted development rights for certain development by such operators who provide electronic communications networks. The reason for the proposed modifications is to facilitate the provision in Wales of the required infrastructure to ensure access next generation broadband to premises.

The Development & Building Control Manager informed the Committee that the consultation paper is arranged in 4 main sections, namely, telecommunications infrastructure in Wales; fixed broadband roll-out – through street cabinet and fixed line; mobile broadband roll-out and the proposed modifications to current permitted development rights. The proposed modifications would be implemented by means of a Development Order to be made by the Welsh Ministers and would also propose some minor alteration to the size of apparatus including satellite dishes, cabinets and masts allowed under permitted development rights and some procedural changes.

The Development & Building Control Manager informed the Committee that whilst the permitted development criteria were effectively being relaxed, it was considered essential for the facilitation of broadband provision throughout Wales and is in line with advances in technology. It was not considered that the impact on Bridgend would be such as to cause demonstrable harm to visual or residential amenity. He stated that conservation areas, listed buildings and SSSIs would continue to enjoy protection.

RESOLVED: That the content of the report and concerns of the Committee on the need for operators to consider issues of sensitivity when siting cabinets be forwarded to the Welsh Government as the formal consultation response of the Council on the revisions to permitted development rights for electronic code operators.

285 FUTURE MEMBER TRAINING ARRANGEMENTS

The Group Manager Development referred to the previous meeting of the Committee wherein it was resolved to add an item to the agenda to allow an open discussion on future training events for Members. He stated that in view of the other constituency and Council business placed upon Members it was probable that the time period immediately before the start of the Committee is likely to be the most convenient and that training sessions be moved to 1.00pm. He outlined to the Committee the external speakers who had provided training to the Committee and the external speakers for future training sessions. The Committee would also receive training sessions from officers from the Council's departments. Other topic areas include a session on the lifespan of a planning application from receipt to determination.

He also reported that Members carry out an annual review of decisions in a particular area of the County Borough, which involves site visits, which could be extended to include visits to sites outside the County Borough, which may have a direct relevance to development in Bridgend.

RESOLVED: That future Member training sessions be held in the Council Chamber at 1.00pm prior to the Committee meeting and officers explore introducing workshop type training.

286 TRAINING LOG

The Group Manager Development reported on an updated training log and on topics and speakers of training sessions yet to be arranged and in accordance with the resolution in the previous item future training sessions would now be moved to 1.00pm. He stated that given the amount of training undertaken by the Committee over the last 12 months it may be opportune to hold future training sessions on a bi-monthly basis.

The Committee considered that it would be beneficial for it to receive training on Section 106 Agreements and the Community Infrastructure Levy; Renewables and Fracking.

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

287 DEVELOPMENT CONTROL APPEAL, ENFORCEMENT AND BUILDING CONTROL QUARTERLY STATISTICS

The Committee received a report which provided statistical information for the period 1 July to 30 September 2013.

The Group Manager Development reported on the number and types of applications determined. He stated that the Authority had processed 79% of applications within eight weeks, compared to 80% achieved in the previous quarter which was itself a drop on a previous high of 85% achieved in 2012/13. This was attributed to staff leaving the authority and not being replaced.

He also reported on progress on Appeals, Building Control and Enforcement statistics.

The Principal Section 106 Officer reported on progress on Section 106 agreements.

RESOLVED: (1) That the report of the Interim Corporate Director – Communities in relation to planning applications for the period 1 July to 30 September 2013 and progress regarding Section 106 Agreements be noted.

(2) That the appeals statistics for 1 July to 30 September 2013 be noted.

(3) That the statistical report on Building Control for 1 July to 30 September 2013 be noted.

(4) That the quarterly report on statistical information relating to unauthorised development and enforcement action be noted.

288 WELSH GOVERNMENT CONSULTATION DOCUMENT THE FUTURE OF OUR PAST: A CONSULTATION ON PROPOSALS FOR THE HISTORIC ENVIRONMENT OF WALES

The Group Manager Development reported that the Welsh Government is consulting on proposals for the first ever historic legislation specifically for Wales, which would be in the Heritage Bill planned for introduction to the Welsh Assembly in 2015. He highlighted the main proposals for change, the potential benefits to the heritage of Wales and implications for the Council. The Council's detailed response to the consultation had been sent to Cadw to meet their deadline of 11 October 2013.

The Group Manager Development informed the Committee that the present system of heritage protection in Wales required updating as it was based on UK legislation dating from the 1950's, 1970's and 1990's supported by policy guidance. Following the introduction of the proposed Heritage Bill, it was proposed that much of the policy guidance would be revised to bring it into harmony with any new legislation and also afford an opportunity to embody the principles in Cadw's guidance document "Conservation Principles".

The Group Manager Development reported that the proposed Heritage Bill aimed to contribute to the delivery of five principal outcomes, namely:

- To improve protection - by ensuring that what is significant to the people of Wales is identified, understood, appreciated and sustained
- To increase flexibility in the system – by introducing new mechanisms for the positive management of the Welsh historic environment
- To improve accountability and transparency – by making the system of designation clearer and further acknowledging the rights of owners
- To streamline and harmonise regimes – by coordinating some provisions governing listed buildings and scheduled ancient monuments and removing some existing anomalies.
- To strengthen the delivery of historic environment services – by ensuring the continued effective management and conservation of historic assets in Wales.

He stated that the main proposals in the Consultation Paper were under the following headings:

- Identifying and protecting historic assets of national significance
- Sustaining significance: managing change in the historic environment
- Reviewing the organisational framework for historic environment in Wales
- Building consent process

The Group Manager Development reported that the proposals would afford some additional protection to newly identified heritage assets and could go some way towards simplifying the system for owners and local authority officers in operating controls. The Council had commenced collaborative working at a regional and local

level with other local authorities on an informal level. He stated that at this early stage, it was difficult to assess resource implications as this would be affected by the outcome of the consultation.

RESOLVED: That contents of the report be noted, together with the Authority's consultation response, which had been forwarded to the Welsh Government as the formal consultation response of Bridgend County Borough Council on revisions to the Welsh Government Consultation Document "The Future of our Past: A Consultation on Proposals for the Historic Environment in Wales.

289 TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 – THE MAKING OF ARTICLE 4(2) DIRECTIONS

The Group Manager Development reported that an Article 4(2) Direction had recently been made using emergency powers for a property in Merthyr Mawr Road Conservation Area. It was proposed to make a further Article 4(2) Direction for additional properties in Merthyr Mawr Road Conservation Area and the introduction of delegated powers to control any similar imminent threat to the character and appearance of conservation areas in the future.

The Group Manager Development reported that the making of Article 4 Directions under the Town and Country Planning Act (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, involves the removal of permitted development rights and in effect will require property owners or occupiers to apply for planning permission to undertake works that would otherwise be permitted development. He stated that as a result to recent amendments to the GPDO, as from 30 September 2013 some categories of development in conservation areas are no longer automatically permitted to dwelling houses and indicated a general move to tighten controls in conservation areas, which is in contrast to some relaxation of permitted development rights outside conservation areas for dwelling houses. The conservation areas of Bridgend Town Centre, Newcastle Hill, Maesteg Town Centre and Newton already have Article 4(1) and / or Article 4(2) Directions in place which had assisted in controlling small scale inappropriate development which can erode the special character of an area.

The Group Manager Development reported that an approach was received from the owner of 3 The Cottages, Maddock's Place, which is located within the Merthyr Mawr Road Conservation Area to request whether it would be possible to paint the exterior of the property with magnolia coloured paint. He stated there was evidence of rendered properties having been painted in the conservation area, it was considered that the uncontrolled application of paint to the exterior of the property would cause harm to the inter-relationship of this property and the adjacent terrace and would set a damaging precedent that may encourage some of the property owners / tenants of the adjacent terrace to paint the exterior of their properties. The most recent draft conservation area appraisal identified an important part of the special character being "the terraces at right angles to each other".

The Group Manager Development informed the Committee that due to the imminent threat to the character and appearance of this part of the conservation area, an Article 4 (2) Direction was made on 16 September 2013 using emergency delegated powers, with notice served on the owner. He stated that a further assessment of the Merthyr Mawr Road Conservation Area was undertaken, in particular the terraced properties at Nolton Street, Maddock's Place, Chapel Street and Dunraven Cottages. Without the making of an Article 4(2) Direction, property owners in this part of the



conservation area have permitted development rights, which could adversely affect the character and appearance of the conservation area. The Article 4(2) Direction would be made and notice given by publication in the local newspaper and by serving notice on the owners and occupiers covered by the Direction.

The Group Manager Development reported that a comprehensive report on the final conservation area appraisals and management plans (existing and proposed) would be made in due course to identify the need for any further controls and these would be the subject of a future report to the Committee. During this interim period, owners / occupiers would be permitted to undertake the development, which could cause considerable harm to the character or appearance of the conservation area. To avoid this risk, the Committee was requested to consider the appropriateness of delegated powers to the Group Manager Development to make Article 4(2) Directions, where there is an imminent threat to the character of the appearance of a conservation area and in relation Part 1: Development Within the Curtilage of a Dwelling house and Part 2: Minor Operations.

RESOLVED:

(1) That the Committee noted that an Article 4(2) Direction of the Town and Country Planning (General Permitted Development) Order 1995 was made on 16 September 2013 in respect of 3 The Cottages in Merthyr Mawr Road Conservation Area and it receive a further report on any representations made during the consultation period.

(2) That the Committee agreed to the making of the proposed Article 4(2) Direction for those properties identified and receive a further report detailing any representations received in relation to the making of the Order.

(3) That the Committee recommend to Council that will consider the emergency exercise of delegated powers that the scheme of delegation be amended to include a delegation to the Group Manager Development for the making of emergency Article 4(2) Directions in conservation areas, where there is an imminent threat of harm to the character or appearance of conservation areas.

290 TRACKING OF PLANNING APPLICATIONS

The Group Manager Development demonstrated to the Committee the means by which Members could track the progress of planning applications.

The meeting closed at 4.21pm.