

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 8 JANUARY 2015 AT 2.00 PM

Present:

Councillor HM Williams - Chairperson

Councillors

G W Davies MBE  
P A Davies  
R M James  
R C Jones

Councillors

H E Morgan  
C E Rees  
J C Spanswick  
M Thomas

Councillors

H J Townsend  
C Westwood  
R Williams  
M Winter

Officers:

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496. APOLOGIES FOR ABSENCE

Apologies were received from the following Members:

Councillor B Jones	-	Work Commitments
Councillor J H Tildesley MBE	-	Other Council Business
Councillor R E Young	-	Work Commitments

497. SITE VISITS

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, was confirmed as Wednesday, 4 February 2015 (am).

498. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Development Control Committee of the 11th December 2014 were approved as a true and accurate record.

499. PUBLIC SPEAKERS

The Group Manager Development read out for the benefit of those present the names of the public speakers addressing the following application which was considered at the meeting:

<u>Name</u>	<u>Planning Application Number</u>	<u>Reason for Speaking</u>
Councillor C A Green	P/14/714/FUL	Local Member
Ms J Smith	P/14/714/FUL	Objector
Mr J Griffiths	P/14/714/FUL	Applicant

500. DECLARATIONS OF INTEREST

The following declarations of interest were made:

- |                          |   |  |
|--------------------------|---|--|
| Councillor G W Davies    | - | P/14/714/FUL - Councillor Davies declared a prejudicial interest as the objector is personally known to him, and he withdrew from the meeting during consideration of the application. |
| Councillor P A Davies    | - | P/14/714/FUL – Councillor Davies declared a personal interest as the objector is known to her as she is a former employee of the Authority.  |
|                          |   | Margam Opencast Coal Site – Councillor Davies declared a personal interest as she was a Trade Union Representative at the site prior to its closure.                                   |
| Councillor C E Rees      | - | P/14/714/FUL – Councillor Rees declared a personal interest as the objector is known to her as she is a former employee of the Authority.  |
|                          |   | P/14/695/OUT – Councillor Rees declared a personal interest as a Member of Porthcawl Town Council but took no part in consideration of planning matters.                               |
| Councillor J C Spanswick | - | P/14/714/FUL – Councillor Spanswick declared a personal interest as the objector is known to her as a former employee of the Authority.  |
| Councillor M Thomas      | - | Councillor Thomas declared a personal interest as the objector is known to him as she is a former employee of the Authority.   |
| Councillor H M Williams  | - | Councillor Williams declared a personal interest as the objector is known to him as she is a former employee of the Authority.   |

501. 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.

502. PLANNING APPLICATIONS REPORT

TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING APPLICATIONS DEFERRED

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**RESOLVED:** That the following application was deferred as Members were minded to refuse the application. A further report would be presented to the next Committee meeting giving the reasons for such refusal.

<u>Code No.</u>	<u>Proposal</u>
P/14/714/FULL	Land adjacent to 11 Carn Wen, Broadlands, Bridgend – Double garage (to serve No.11) with self-contained flat above (existing single garage to support new flat).

Subject to the following conditions:

1. The development shall be carried out in accordance with the following approved plans and documents: plan numbers 1439-P01 Rev A, 1439-P02 Rev A, 1439-P03 Rev A & 1439-P04 Rev B.

**Reason:** To avoid doubt and confusion as to the nature and extent of the approved development.

2. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), no development which would be permitted under Article 3 and Classes A, B, C, D, E & G of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the (any) dwelling without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of visual and residential amenities.

3. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the surfaces of the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

**Reason:** To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

4. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

**Reason:** To ensure that the general amenities of the area are protected.

5. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, and roof/yard water will be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to beneficial use of the development.

**Reason:** To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

6. Notwithstanding condition 1 above no development shall take place until the exact siting and finished floor levels of the dwelling have been agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and residential amenities.

7. No development shall commence on site until a Method Statement, detailing how the tree felling will be undertaken and the processes to be followed in the event that bats are encountered has been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall be adhered to throughout the felling of the trees.

Reason: To ensure any bats encountered are protected.

8. Prior to any works commencing on site a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To maintain and improve the appearance of the area in the interests of visual amenities and to promote nature conservation.

9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), no development which would be permitted under Article 3 and Classes A, B, C, D, E & G of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the dwelling without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenities.

503

TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING APPLICATIONS GRANTED CONDITIONALLY

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

Code No.                      Proposal

P/14/695/out                      Grounds of West Winds, 2 Locks Lane, Porthcawl – Building plots to accommodate 2 x 2.5 storey dwellings – re-submission of P/14/446/OUT.

1. No development shall commence until the materials to be used in the construction of the external surfaces of the approved dwellings have been submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: To ensure that the proposed materials of construction are appropriate for use.

2. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site showing how foul drainage, road and roof/yard water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the beneficial use of the development.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

3. No development shall take place until the exact siting and finished floor levels of the dwellings have been agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual and residential amenities.

4. No development shall commence until there has been submitted to and agreed in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the agreed details prior to the respective dwelling being brought into beneficial use.

Reason: To ensure that general amenities are protected.

5. No development shall commence on site until a scheme for permanently stopping up the existing access and reinstating the vehicular crossing as a verge has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to any part of the development being brought into beneficial use.

Reason: In the interests of highway safety.

6. No development shall commence until a scheme for the provision of replacement access to 2 Locks Lane has been submitted to and agreed in writing by the Local Planning Authority. The access area shall be implemented in permanent materials before the commencement of any construction on the dwellings hereby approved.

Reason: In the interests of highway safety.

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), no development which would be permitted under Article 3 and Classes A, B & C of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of either of dwellings without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenities.

#### 504 MARGAM OPENCAST COAL SITE

The Development and Building Control Manager presented a report to update the Committee on the issues surrounding the restoration of the Margam opencast coal site and associated planning enforcement action. The site is situated on land between Ffordd-yr-Gyfraith, Bedford Road and Crown Road, straddling the boundary between Neath Port Talbot (NPT) and Bridgend County Councils.

He reported that mining operations ceased in 2008 and the void had been filling with water since 2012. Planning conditions required the operators to backfill the void within two months of cessation of work. However, despite requests from both Local Planning Authorities to the operators (Celtic Energy Ltd) and the landowners (Oak Regeneration), schemes for the restoration and aftercare of the site were not submitted. Both local authorities are working together to ensure the restoration is carried out and were looking at possible alternatives for the site, which involved redevelopment to include

resettlement and recreation uses. Additional coaling operations had also been proposed, but the application was refused by both local authorities, as it was contrary to national planning guidelines. Discussions had been ongoing for several years and in subsequent meetings Celtic Energy Ltd and Oak Regeneration had confirmed that for financial reasons restoration of the site could only be delivered if further coaling operations and regeneration of the site were permitted.

He informed the Committee that in 2006, the planning consent which was issued had been flawed in that planning conditions attached to the original consent were not reproduced on the latter planning notice. It had been specifically brought to the attention of the Authority that this was an incorrect procedure, and although it was the practice at the time, the Authority do not have legal precedence for taking planning enforcement action.

He advised that there was very little other agencies could do to assist, either from a statutory or financial point and it was a matter for both local authorities to achieve some workable solution to the site. Whilst concerns of local residents were understood, he advised that it had to be accepted that full restoration of the site would not be achieved through the planning enforcement system alone.

Discussion took place and Members asked what action the NPT Council was now taking, given the threat of flooding to the area.

The Development and Building Control Manager advised that NPT worked closely with the Authority to try and restore the site which had not unfortunately proved successful and at a planning meeting in November 2014, NPT resolved to look at options which did not involve additional coaling. He explained that the water quality was an issue and National Resources Wales was monitoring the discharge of water from the void.

The Group Manager Development explained to Members that the void would need to be drained before it could be backfilled. Celtic Energy Ltd still had a valid discharge licence and had pumped the void dry commensurate to the licence. He advised that the longer the void is left, the worse the situation would become, as the water was gradually rising. He advised that the continual rise in the water level was reaching the point where Celtic Energy Ltd was prepared to carry out some pumping.

A Member stated that the companies involved should be encouraged to empty the void and suggested that the long term solution would be to dig channels to the river. She further suggested holding a public meeting jointly with NPT, inviting all interested parties, in order to provide an opportunity to address questions.

Another Member referred to the fact that NPT had stated that as a last resort they would take enforcement action and suggested this move as a recommendation for this Authority to put forward.

RESOLVED: That the Committee

1. Agreed that Bridgend County Borough Council should pursue the action outlined under options 4 and 5 of the report, to consider alternative restoration schemes that do not involve further coaling operations, and to investigate potential solutions utilising the existing restoration fund.
2. Agreed that a joint public meeting with NPT Council be held.

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 8 JANUARY 2015**

**RESOLVED:** That the following date for a training session of the Development Control Committee, as outlined in the report of the Corporate Director – Communities, was noted:

<b><u>Facilitator</u></b>	<b><u>Subject</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>
Planning Inspectorate Wales	“The Planning Inspectorate”	5 February 2015	12.45pm

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503. **URGENT ITEMS**

The meeting closed at 3.35 pm