

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 24 NOVEMBER 2016

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 24 NOVEMBER 2016 AT 2.00 PM

Present

Councillor G Thomas – Chairperson

N Clarke	PA Davies	DRW Lewis	JE Lewis
HE Morgan	LC Morgan	D Patel	JC Spanswick
C Westwood	R Williams	M Winter	RE Young

Apologies for Absence

GW Davies MBE, CA Green, M Thomas and JH Tildesley MBE

Officers:

Rhodri Davies	Development & Building Control Manager
Craig Flower	Planning Support Team Leader
Mark Galvin	Senior Democratic Services Officer - Committees
Tony Godsall	Traffic & Transportation Manager
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Philip Thomas	Principal Planning Officer
Leigh Tuck	Senior Development Control Officer
Rod Jones	Senior Solicitor
Gary Jones	Head of Democratic Services

838. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillors D Patel, PA Davies, HE Morgan, RE Young, LC Morgan, JC Spanswick, R Williams, C Westwood, JE Lewis, and G Thomas – Prejudicial interest in Agenda item 8 (b) due to them being members of the Labour Party, but having had special dispensation from the Standards Committee to participate in the consideration of this application.

Councillor D Lewis – As above, but also as a member of the Standards Committee who took no part in the decision of that Committee that had given special dispensation for Labour Party members to take part in the consideration of this application.

Councillor HE Morgan also declared a personal interest in Agenda item 8 (c) and (e) as a member of Bridgend Town Council but who takes no part in planning matters.

R Morgan – Declared a prejudicial item in Agenda item 8 (c) as one of the objectors to the application was known to him. Mr Morgan left the meeting whilst this item was being discussed.

839. SITE VISITS

RESOLVED: That Members agreed to confirm a date of Wednesday 21 December 2016 for proposed site inspections arising at the meeting, or identified in advance of the next Committee by the Chairperson.

840. APPROVAL OF MINUTES

RESOLVED: That Committee approved the Minutes of a meeting of the Development Control Committee dated 27 October 2016.

841. PUBLIC SPEAKERS

There were no public speakers.

842. AMENDMENT SHEET

RESOLVED: That the Chairperson accepted the Development Control Committee Amendment Sheet in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.

843. P/16/600/FUL - LAND AT FORMER ARCHBISHOP MCGRATH SCHOOL, HEOL YR YSGOL, TONDU

- RESOLVED:
- (1) That having regard to the following application, the applicant enters into a Section 106 Agreement to:
 - (a) Provide 20% of the units as affordable housing units in accordance with the Affordable Housing Supplementary Planning Guidance (SPG). The Section 106 Agreement will provide for these units to be transferred to a Registered Social Landlord, with the type of units, location within the site, affordable tenure, transfer price and timescale for delivery to be agreed by the Council
 - (b) Provide a financial contribution of £10,830 on the commencement of development towards the upgrading of existing outdoor recreation facilities in the vicinity of the application site

Code No.

Proposal

P/16/600/FUL

15 bed space care unit & 25 extra care apartments with communal ancillary facilities and 19 no. dwellings served by adopted access road.

- (2) That the Corporate Director – Communities be given delegated power to issue a decision notice granting consent in respect of this proposal, once the applicant has entered into the aforementioned Section 106 Agreement, subject to the Conditions contained in his report

Subject to Condition 16 of the report being amended as follows, together with the undermentioned Condition 26, also being added to the consent:-

- 16. Vision splays of 1m x 1m shall be provided for each individual dwelling driveway before the development is brought into beneficial use and no structure, erection or

planting exceeding 0.6m in height above the adjacent carriageway level shall be placed within the stipulated vision splay.

Reason: In the interests of pedestrian safety.

26. Before the Care Home development is brought into beneficial use 2 cycle parking stands shall be provided and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of promoting Active travel and wellbeing.

844. P/16/606/FUL - FORMER OCLP CLUB, ELM CRESCENT, BRYNTIRION, BRIDGEND

RESOLVED:

- (1) That having regard to the following application, the applicant enters into a Section 106 Agreement to provide:
- i. A minimum of 4 units as affordable units, which shall be transferred to a Registered Social Landlord and delivered in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.
 - ii. £8460.00 towards the improvement of recreational facilities within the Bryntirion area payable prior to the beneficial occupation of the first dwelling unit.
 - ii. £7000 for a Traffic Order for the application of double yellow lines around the access to Hill View, Broad Oak Way and opposite the northern site access prior to the beneficial occupation of any part of the development.

Code No.

Proposal

P/16/606/FUL

Demolition of existing buildings and construct mixed use development of 1 x A1 retail unit, 1 x flexible A1/A2/A3 unit, 18 affordable housing units with associated highway improvements, access, parking, refuse storage & landscaping

- (2) That the Corporate Director – Communities be given delegated power to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to the Conditions contained in his report.

845. P/16/9/FUL - BRIDGEND RETAIL PARK

The Corporate Director – Communities submitted a report, advising that the above application was considered by the Development Control Committee at its last scheduled meeting, and following some detailed debate upon the application the Committee resolved as follows:-

“That the application be deferred as the Committee is minded to refuse the application on the grounds of the loss of semi-mature trees planted on ‘islands’ within the existing car park, the impact of the loss of car parking spaces in a car park where the existing provision already falls well below that which would be required by the Council’s current car parking standards and the effect the development would have on the viability and

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attractiveness of Bridgend Town Centre and that detailed reasons for refusal be reported to the next meeting of the Committee for consideration.”

The Group Manager Development advised that Planning Officers had formulated 3 reasons for refusal of the application and these were detailed in the report, and based upon the concerns of the Committee expressed at its last meeting.

The Group Manager Development then advised that each of these reasons for refusal, particularly reason 3, would be difficult to defend against in any appeal that may be challenged by the applicant, due to the fact that they were not strong grounds for refusal under planning law. Information regarding this was also contained in the report.

Members asked questions in respect of the suggested reasons for refusal of the application, and in relation to the report itself, and the Group Manager Development and his support staff responded to each of these points so made.

It was agreed that an electronic vote be conducted on the application, ie on each of the suggested reasons for refusal of the application

The outcome of each of the votes was that the Committee agreed not to support these reasons for refusal, and therefore as a result of this, it was

RESOLVED: (1) That having regard to the following application, the applicant enters into a Section 106 Agreement to pay a sum of £5,000 to secure such improvements (Yellow Box road markings, lane markings and direction arrows) to the capacity of the two roundabouts within the retail site, to ensure the free flow of traffic in the area.

<u>Code No</u>	<u>Proposal</u>
P/16/9/FUL	Two Class A 3 (Food and Drink Units) and Associated works
	(2) That the Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to the Conditions contained in his report to the Committee dated 27 October 2016.

Subject to the following wording to the reason for Condition 4 on page 38 of the report to the Committee dated 27 October 2016 “...and to preserve the residential amenities of Picton Gardens.”

846. P/15/244/OUT - LAND AT CEFN ROAD, CEFN CRIBWR

RESOLVED: (1) That having regard to the following application, the applicant enters into a Section 106 Agreement to:

(i) Provide 30% of the units as affordable housing units in accordance with the Affordable Housing Supplementary Planning Guidance (SPG). The Section 106 Agreement will provide for these units to be transferred to a Registered Social Landlord, with the type of units, location within the site, affordable tenure, transfer price and timescale for delivery to be agreed by the Council.

- (ii) Provide a financial contribution in accordance with the Educational Facilities Supplementary Planning Guidance (SPG) formula towards the provision of additional primary school places in the school serving the development; this figure being dependent on the final development mix and numbers with contributions provided on a pro-rata basis.
- (iii) Provide a financial contribution on the commencement of development towards the upgrading of existing outdoor recreation facilities in the vicinity of the application site, in accordance with Council policy.
- (iv) Provide a financial contribution of £12,000 on the commencement of development to facilitate improved bus stop facilities on Cefn Road in the vicinity of the site.

Code No

Proposal

P/15/244/OUT

Residential Development (14 No. Units) and associated works

- (2) That the Corporate Director – Communities be given delegated powers to issue a decision notice granting outline consent in respect of this proposal, once the applicant has entered into the aforementioned Section 106 Agreement, subject to the Conditions contained in his report.

847. P/16/725/FUL - OLDCASTLE JUNIOR SCHOOL SITE, SOUTH STREET, BRIDGEND

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

Code No

Proposal

P/16/725/FUL

Retention of a shipping container for general storage purposes.

848. P/13/246/OUT - VARIATION TO TERMS OF S106 ON LAND AT BRACKLA INDUSTRIAL ESTATE, BRACKLA – DEVELOPMENT OF UP TO 230 DWELLINGS & 0.3 HECTARES OF MIXED USE CENTRE (USE CLASSES A1, A3 AND C3)

The Corporate Director – Communities submitted a report, that confirmed that planning permission had been granted for the above development on land to the east of Brackla Industrial Estate on 7 November 2014, subject to a Section 106 Agreement which required, amongst other things, the implementation of noise mitigation works on the adjacent BEI Lighting site

The report further advised, that whilst confirmation received from the relevant parties indicated that the works in respect of the above will be undertaken, delays to this were preventing the commencement of a consented housing scheme on the adjoining site. Due to this, South Wales Land Development Ltd was therefore seeking to vary paragraphs 1, 1.3 and 2 of Part 1 of the Second Schedule to the Section 106 obligation, as detailed in paragraphs referenced (i), (ii) and (iii) within the report.

Following consideration of the above, and other elements of the report, it was

RESOLVED:

That the Corporate Director Operational and Partnership Services, be authorised to prepare and complete the required

Deed of Variation, to implement the changes to the Section 106 Agreement identified in the report, and any other amendments necessary to ensure the delivery of the Obligations in the Section 106 Agreement.

849. APPEALS

- RESOLVED:
- (1) That the two appeals received by the Corporate Director – Communities since his last report to Committee, be noted.
 - (2) That it be noted that the Inspector appointed by the Welsh Ministers to determine the following Appeals, has directed that they be DISMISSED:-

<u>Code No.</u>	<u>Subject of Appeals</u>
A/16/3154174 (1775)	One dwelling: Adj to 14 Blundell Avenue, Porthcawl
A/16/3155147 (1776)	Erection of detached bungalow in garden in lieu of previously approved garage: Garden of 19 Priory Gardens, Bridgend
A/16/3155051 (1777)	Remove detached garage and replace with two storey Granny Annexe: 63 Ewenny Road
A/16/3154814 (1778)	Relax Condition 2 of P/98/555/FUL to extend opening hours until 12.30AM Sun-Wed, 2.30AM Thurs, 3.30AM Fri & 4.30AM Sat: 33 Market Street, Bridgend
A/16/3154814 (1781)	Proposed loft conversion (works to include erection of front and side dormer extensions): 9 Marlpit Lane, Porthcawl.

850. BCBC RESPONSE TO WG CONSULTATION ON HOW APPEALS AND REFERENCES TO THE WELSH MINISTERS ARE DEALT WITH, PROVIDING UPDATED GUIDANCE ON AWARDS OF COSTS AND CHANGES TO STANDARD DAILY AMOUNTS CHARGED BY THE PLANNING INSPECTORATE FOR CERTAIN PROCEEDINGS

The Corporate Director – Communities submitted a report to advise Development Control Committee Members, of the Council's formal response to the Welsh Government's (WG) consultation relating to Appeals, costs and standard daily amounts, as detailed in Appendix 1 to the report. The WG Consultation paper made specific proposals in relation to:

- Appeal and call-in procedures
- Costs
- Standard daily amounts for certain proceedings

The report outlined certain background information, following which, it advised that the LPA's formal response to the Welsh Government's consultation on proposed changes to how Environmental Impact Assessment applies to Town and Country Planning, was submitted to the WG before the deadline of 4 November 2016 under delegated powers.

Paragraph 5.1 outlined in bullet point format what the proposals contained in the Consultation paper were intended to achieve.

RESOLVED: That Members noted the content of the report, and the LPA's response to the WG Consultation, as shown in the attached Appendix 1.

851. BCBC LPA RESPONSE TO WELSH GOVERNMENT CONSULTATION ON PROPOSED CHANGES TO HOW ENVIRONMENTAL IMPACT ASSESSMENT APPLIES TO TOWN AND COUNTRY PLANNING

The Corporate Director – Communities submitted a report, that advised Members of the Council's formal response to the Welsh Government's (WG) consultation on proposed changes to how Environmental Impact Assessment applies to Town and Country Planning, as highlighted in Appendix 1 to the report.

The WG Consultation paper set out the its proposals for transposing the provisions of the 2014 EIA Directive, together with making other changes to national legislation. Paragraph 1.2 of the report advised which areas that the consultation set out their proposals for.

The Group Manager Development confirmed that the WG were proposing measures for the transposition of the provisions of the 2014 EIA Directive, and they also propose other changes to national legislation.

The report also advised of the next steps that were intended to be taken as part of the proposed changes.

RESOLVED: That Members noted the content of the report and the LPA's response to the WG Consultation, as shown in Appendix 1 to the report.

852. BCBC RESPONSE TO WELSH GOVERNMENT CONSULTATION – PROPOSALS FOR SECONDARY LEGISLATION TO SUPPORT THE HISTORIC ENVIRONMENT (WALES) ACT 2016 AND VARIOUS BEST PRACTICE GUIDANCE DOCUMENTS

The Group Manager Development presented a report, which advised the Committee of the Council's formal response to the Welsh Government's WG Consultation shown at Appendix 1 to the report.

He advised that the consultation sought views on four proposals for secondary legislation with one draft ancillary guidance document, and five draft best-practice guidance documents. All have been developed as components of a wider programme to improve the protection and management of the Welsh historic environment, that is linked to the implementation of the Historic Environment (Wales) Act 2016.

Paragraph 3.3 of the report covered four areas that the consultation covered proposals on, while paragraph 3.4 detailed best-practice guidance documents the consultation included.

The next steps outlined that the LPA's formal response to the Welsh Government's consultation was submitted before the deadline of 3 October 2016, under Delegated Powers. The WG intended to publish a summary of the response to this document.

RESOLVED: That Members noted the content of the report, and the LPA's response to the WG Consultation, as referred to in Appendix 1 of the report.

853. BCBC RESPONSE TO WELSH GOVERNMENT CONSULTATION - PROPOSED TECHNICAL ADVICE NOTE 24 - THE HISTORIC ENVIRONMENT

The Corporate Director – Communities submitted a report, which advised Development Control Committee Members of the Council's formal response to the Welsh Government's (WG) consultation relating to a new Technical Advice Note 24 relating to the Historic Environment (Appendix 1 to the report).

The Group Manager Development, confirmed that the draft policy document reflects informal feedback received on an earlier version made available to inform the scrutiny of the Historic Environment (Wales) Bill. It also complemented the recent consultation on Chapter 6 of Planning Policy Wales and a parallel consultation on secondary legislation to support the Historic Environment (Wales) Act 2016, and various good-practice guidance documents (which was also reported to Members for information).

He confirmed that the WG Consultation paper proposed the provision of planning guidance that will:

- reflect WG objectives for a well-protected and accessible historic environment, and,
- meet the need to consider how changes affecting the historic environment are managed through the planning system.

A draft Technical Advice Note (TAN) for the historic environment was made available in 2015 to inform the scrutiny of the Historic Environment (Wales) Bill during its passage through the National Assembly for Wales.

The Group Manager Development concluded this item by stating that the TAN will provide detailed planning advice on the above, and the purpose of the consultation was specifically to consider the new TAN

RESOLVED: That Members noted the content of the report and the LPA's response to the WG Consultation shown at Appendix 1 to the report.

854. TRAINING LOG

RESOLVED: That the four scheduled training sessions identified in the report of the Corporate Director – Communities, to be held immediately prior to the next four diarised Development Control Committees be noted, with it further noted that future training sessions will take place on the following topics:-

- Advertisement Control
- WLGA proposals for a National Scheme of Member Training
- Development Management Procedures – Consultation and notification

855. URGENT ITEMS

None.

The meeting closed at 4.18 pm