

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 30 AUGUST 2018**

**MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 30 AUGUST 2018 AT 14:00**

Present

Councillor G Thomas – Chairperson

JPD Blundell	NA Burnett	DK Edwards	RM Granville
MJ Kearn	DRW Lewis	JE Lewis	JC Spanswick
RME Stirman	KJ Watts	CA Webster	A Williams

Apologies for Absence

RJ Collins, SK Dendy, T Thomas, MC Voisey and AJ Williams

Officers:

Rhodri Davies	Development & Building Control Manager
Gareth Denning	Principal S106 Officer
Craig Flower	Planning Support Team Leader
Mark Galvin	Senior Democratic Services Officer - Committees
Rod Jones	Senior Lawyer
Susan Jones	Development Planning Manager
Richard Matthams	Development Planning - Team Leader
Robert Morgan	Senior Development Control Officer
Kwaku Opoku-Addo	Policy, Development and Transport Team Leader
Jonathan Parsons	Group Manager Development
Michael Pitman	Business & Administrative Apprentice
Philip Thomas	Principal Planning Officer

150. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:-

Cllr Tim Thomas  
Cllr Richard Collins  
Cllr Amanda Williams  
Cllr Matthew Voisey  
Cllr Sorrel Dendy

151. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Cllr Alex Williams declared a personal interest in Agenda item 8. in that he was the Ward Member for this area. He stressed that he had not pre-determined the application, and therefore, his interest was not prejudicial. He also declared a personal interest in Agenda item 9. in that he was a Member of Pencoed Town Council but took no part in planning matters.

Cllr Gary Thomas declared a personal interest in Agenda item 11. in that he was a Member of St. Brides Minor Community Council but took no part in planning matters.

Cllr John Spanswick declared a personal interest in Agenda item 14. in that he was a Member of Brackla Community Council but took no part in planning matters.

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Cllr Richard Granville declared a prejudicial interest in Agenda item 15. in that he knew the applicant. He left the meeting whilst this item was being discussed.

Cllr Janice Lewis declared a personal interest in Agenda item 11. in that she was a Member of St. Brides Minor Community Council but took no part in planning matters.

Cllr David Lewis declared a personal interest in Agenda item 11. in that he was a Member of St. Brides Minor Community Council but took no part in planning matters.

Cllr Mike Kearn declared a prejudicial interest in Agenda item 10. in that he was Chairperson of Pyle Community Council who were objecting to the application. He also declared a prejudicial interest in Agenda item 15. for the same reason as that specified above.

152. SITE VISITS

RESOLVED: That a date of Wednesday 10 October 2018 be confirmed for any proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.

153. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Development Control Committee dated 19 July 2018, be approved as a true and accurate record.

154. PUBLIC SPEAKERS

<u>Planning Application No.</u>	<u>Site</u>	<u>Speakers</u>
P/18/520/FUL	Rockwool, Wern Tarw	E Crowley, Objector D.Matthews Managing Director Rockwool
P/18/429/FUL	31, Prince Road, Kenfig Hill	Cllr J Gebbie, Objector G Collett, Objector A Ireland, Site agent

155. AMENDMENT SHEET

That the Chairperson accepted the Development Control Committee Amendment Sheet as an urgent item, 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.

156. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

RESOLVED: That the summary of Development Control Committee Guidance as detailed in the report, be noted.

157. P/18/520/FUL - ROCKWOOL LTD WERN TARW ROAD WERN TARW BRIDGEND CF35 6NY

RESOLVED: (1) That having regard to the above application, this be referred to Council as a proposal that is a departure from the Development Plan that the Development Control Committee are not disposed to refuse, based on the supporting information submitted with the application, the limited incursion into the countryside and the operational requirements of the business:-

Proposal

New hardstanding to the south of the plant for external storage of materials, new operational buildings and new vehicular access off Wern Tarw Road.

(2) That should Council approve the above proposal, then this consent be subject to the Conditions contained in the report of the Corporate Director – Communities.

158. P/18/174/FUL - FORMER PENCOED PRIMARY SCHOOL SITE PENPRYSG ROAD PENCOED

RESOLVED: (1) That having regard to the above application, the applicant enters into a S106 Agreement to:

(i) Provide a minimum of 20% of the units as affordable housing with the type of units, location within the site and affordable tenure to be agreed by the Council.

(ii) Provide a financial contribution of £34,000 towards the upgrading of existing outdoor recreation facilities in the vicinity of the application site.

(iii) Provide a financial contribution of £114,191 towards the provision of 1 Nursery and 6 Primary School places

(iv) Provide a financial contribution of £7,000 on the commencement of development towards the 20 mph Traffic Order on the proposed estate road.

Proposal

Demolition of Pencoed Primary School and construct 40 residential units and associated work

(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 afore mentioned S106 Agreement, subject to the Conditions contained in his report.

Subject also to the deletion of Condition 3 of the report and the additional following advisory note (h):-

h. Warning: A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at:-

<https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

159. P/18/429/FUL - 31 PRINCE ROAD KENFIG HILL CF33 6ED

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

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the additional Conditions restricting the permission to an initial temporary 12 month period:-

Proposal

Change of use from use class C3 to C4 ( House in Multiple Occupation)

Subject to the inclusion of the following Conditions 3 and 4 being added to the consent:-

3. The C4 House in Multiple Occupation Use hereby permitted shall be discontinued within 12 months from the date of the first implementation of the use and the premises shall thereafter be returned to its former use as a C3 dwelling house in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to review the matter at the end of the temporary permission and to protect neighbouring residential amenities.

4. The developer shall notify the Local Planning Authority in writing of the exact date of the commencement of the use within 7 days of the first tenant taking occupation.

Reason: To enable the Local Planning Authority to review the matter at the end of the temporary permission and to protect neighbouring residential amenities.

160. P/16/251/OUT - LAND OFF FFORDD LEYSHON BRYNCETHIN CF32 9TB

RESOLVED: (1) That having regard to the above application, the applicant enters into a S106 Agreement to:-

(i) 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.

(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 an outdoor recreation facility (Local Area of Play) in accordance with Policy COM11 of the Bridgend Local Development Plan and to submit and agree as part of the Obligation the arrangements for future management and maintenance of this outdoor recreation facility.

(iv) Provide a financial contribution, prior to the commencement of development, toward the provision of a central pedestrian refuge on Route A4061 (in the proximity of the junction with Daleside) with the figure being dependent on the final development mix and numbers with the contribution provided on a pro-rata basis.

(v) Provide a management scheme for the long term maintenance of the remainder of the 'Site of Importance for Nature Conservation' that is within the ownership of the applicant to compensate for the loss of part of the SINC to development.

Proposal

- (1) Up to 9 dwellings with public open space, landscaping, access & associated works (amended no. of dwellings).

- (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.

Subject to the fourth point in Condition 2 of the report being deleted, as it refers to plots 10-12 which have been omitted from the application.

Condition 2 should also now read as follows:-

The consent hereby granted shall be limited to the construction of no more than 9 dwellings and details of the appearance, landscaping, layout, and scale, (hereinafter called "the Reserved Matters") shall accord with the following requirements:

- No development is permitted in the 1% and 0.1% fluvial flood outline of Nant Bryncethin and therefore within the area hatched in blue on the 'Illustrative Masterplan' BRYN-02 Revision C received on 24 November 2016;
- A distance of 21m between directly facing habitable room windows, in relation to existing properties;
- The dwellings on Plots 1 and 9 being sited a minimum distance of 12m from the side facing habitable room windows in 33 and 34 Ffordd Leyshon respectively;
- Car parking provision in accordance with SPG 17 – Parking Standards

Reason: In the interests of safeguarding the living conditions of existing and future residents and highway safety.

161. P/18/460/FUL - TYMAEN HOUSE STATION ROAD SERVICE ROAD LEADING TO TY MAEN, PONT RHYD Y CYFF MAESTEG CF34 0EH

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

Proposal

Construct a manege for private use.

162. P/18/244/FUL - LAND REAR OF 33 SOUTH ROAD PORTHCAWL CF36 3DG

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

Proposal

Proposed 1 bed dwelling with parking for existing and proposed dwellings with works to lane.

163. P/18/410/FUL - LAND WEST OF BRYN BRAGL BRACKLA CF31 2LP

RESOLVED: That the above application be deferred, in order to explore, through negotiation with the applicant, a possible contribution to existing equipped play areas in the surrounding area in lieu of on-site provision:-

Proposal

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Residential development of 4 affordable housing units with car parking and associated works.

164. P/18/509/FUL - LAND ADJACENT TO 4 MORIAH PLACE KENFIG HILL CF33 6DW

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

Proposal

Development of one building comprising 2 no. flats (re-submission of P/18/53/FUL).

165. FORMAL DESIGNATION OF PRESWYLFA COURT CONSERVATION AREA AS AN ARTICLE 4 DIRECTION AREA (INCLUDING SUMMARY OF CONSULTATION RESPONSES FROM RESIDENTS)

The Development and Building Control Manager submitted a report, the purpose of which, was to update Members on any representations received from owners and occupiers of the affected properties since the making of the Article 4(1) and Article 4(2) Directions in Preswylfa Court Conservation Area. As part of the Report Members received a copy of the decision by Welsh Government to confirm the Article 4(1) Direction. Members had to decide, based on the representations received, whether to confirm the Article 4(2) Direction. The Article 4 Directions remove certain permitted development rights from the properties included in the Directions and this effect was immediate, when the Directions were made at Development Control Committee on 15 March 2018. The Article 4 Directions must be confirmed within 6 months of being made (ie by 15 September 2018) or they will lapse.

Preswylfa Court Conservation Area was designated at a meeting of Development Control Committee on 15 March 2018, in order to avoid harm to the setting of the thirteen Listed Buildings and to enable the preservation and enhancement of the character and appearance of the area as a whole.

As set out above, Members agreed at the same Committee meeting to the making of the Article 4(1) and Article 4(2) Directions. The effect of these Directions is the withdrawal of permitted development rights. Committee was reminded of the scope of the Directions and the properties that are affected in Appendix 1 and 2 of the report, respectively.

As a direct response to the Article 4 letters of notification being issued, seven written responses were received from owners and occupiers of the properties. The contents of these responses were summarised in Appendix 4 of the report. No objections were received to the proposals and whilst further support for the designation of the Conservation Area was expressed, further clarification was requested. For example, further information was requested on a proposed design for a new extension, boundary treatments, chimneys, windows, rainwater goods, external doors, satellite dishes, tree pruning and retrospective works. Clarification was also requested whether the front and rear of the properties are covered by the Directions. This information has been provided via site meetings with the property owners and the draft guidance leaflet has been updated to reflect the comments submitted as part of the consultation. The final version of this leaflet is attached as Appendix 5 to the report. A copy of the completed Well-being of Future Generations (Wales) Act 2015 Assessment was attached at Appendix 5 to the report.

The Development and Building Control Manager concluded his submission, by referring to the report's financial implications.

RESOLVED: That Members:-

- (1) Noted Welsh Government's decision to confirm the Direction made under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995, to remove permitted development rights from those owners and occupiers of non-domestic properties contained within the proposed Preswylfa Court Conservation Area under the terms set out in Appendix 1 to the report.
- (2) Agreed that the Direction be confirmed under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 to remove permitted development rights from those owners and occupiers of dwelling houses contained within the proposed Preswylfa Court Conservation Area, under the terms set out in Appendix 2 of the report.
- (3) Adopted the guidance leaflet in Appendix 4 of the report for Development Control purposes.

166. BRIDGEND COUNTY BOROUGH COUNCIL - JOINT HOUSING LAND AVAILABILITY STUDY 2018

The Corporate Director – Communities submitted a report, the purpose of which, was to inform the Development Control Committee of the outcome of the Joint Housing Land Availability Study (JHLAS) 2018, attached at Appendix 1 to the report.

The Development Planning Manager advised Members, that the provision of maintaining a 5 year housing land supply was a key requirement of Welsh Government. Undertaking a Joint Housing Land Availability Study, which is agreed with house builders and other consultees, is the mechanism to demonstrate whether this policy requirement is being met.

The Joint Housing Land Availability Study is an extremely important piece of evidence to inform the future Replacement Local Development Plan, and also to monitor the effectiveness of the existing LDP, in terms of the delivery of housing.

The 2018 Study shows that when measured against the housing requirement set out in the LDP, the Council has a housing land supply of 3.4 years, which is below the 5 year land requirement. There was a total of 390 completions on all sites. This was the second consecutive year whereby land supply had been below the 5 year requirement.

She further added, that it should be noted that at the base date of last year's Study in April 2017, 19 out of the 25 local planning authorities in Wales were unable to demonstrate a 5 year housing land supply.

Paragraph 6.2 of the TAN 1 guidance, relating to the Joint Housing Land Availability Studies, states that when a study shows less than 5 years the need to increase supply should be given considerable weight when dealing with planning applications. Across Wales this guidance has resulted in an increase in speculative planning applications for residential development on un-allocated sites.

In response to this, Welsh Government had recently undertaken a consultation to dis-apply paragraph 6.2 of TAN4, to relieve pressure on Local Planning Authorities when dealing with such speculative applications, allowing them to focus on Replacement Local Development Plans.

The Development Planning Manager added, that this temporary dis-application of paragraph 6.2 is related to a wide ranging review by Welsh Government of the delivery of housing through the planning system, which will take place this summer.

The Study will be published on the Council's web site as well as a link being sent to Welsh Government.

As the Development Planning Manager was very shortly due to retire, the Chairperson and Committee Members in turn, thanked her for the excellent contribution she had given both within the Planning Department and in respect of the part she had played in supporting the Development Control Committee.

She thanked Members for their kind words.

RESOLVED: That the 2018 Joint Housing Land Availability Study be noted.

167. LOCAL DEVELOPMENT PLAN SUSTAINABILITY APPRAISAL (SA) SCOPING REPORT AND INITIAL HABITAT REGULATIONS APPRAISAL (HRA) SCREENING REPORT

The Development Planning Team Leader presented a report, the purpose of which, was to inform the Development Control Committee of the Sustainability Appraisal (SA) Scoping Report (attached at Appendix 1 to the report) and Habitats Regulation Appraisal (HRA) Screening Report (attached at Appendix 2). The reports were subject to 5 weeks stakeholder consultation period commencing 23rd July 2018 until 27th August 2018.

The Sustainability Appraisal Scoping Report for the Replacement Bridgend Local Development Plan outlines the proposed approach to the LDP's Sustainability Appraisal (SA), incorporating Strategic Environmental Assessment (SEA).

He explained that this report was the first stage of a SA process to identify, assess and address any likely significant effects on the environment from the emerging replacement Bridgend Local Development Plan

Under Section 62(6) of the 2004 Act, emerging LDPs need to be subject to Sustainability Appraisal. This is statutorily required to guide the selection and development of policies and proposals for inclusion in LDPs in terms of their potential social, environmental and economic effects.

The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 as amended ('the SEA Regulations') require Responsible Authorities, including local authorities such as Bridgend County Borough Council, to assess the likely significant environmental effects of implementing relevant plans and programmes, as defined within the regulations. The SEA Regulations also require Responsible Authorities to examine the likely significant effects of reasonable alternatives to the plan or programme under consideration. Where required, the assessment is to be prepared following a staged reporting process known as Strategic Environmental Assessment (SEA).

The Development Planning Team Leader explained that SA and SEA share a common focus on assessing environmental and wider sustainability performance and can therefore be undertaken and reported together.

- Screening: The SA Scoping Report sets out a draft SEA Screening Determination for the consideration of the SEA Consultation Bodies (Section 3).
- Scoping: sets out the proposed SA Framework, SA methodology and SA consultation arrangements detailed in Sections 5 and 6;
- Preparation and Consultation: a SA Report will need to accompany each substantive element of the replacement LDP as it emerges, in particular the preparation of LDP Pre-Deposit and subsequently LDP Deposit Documents. Each SA Report must be consulted on in tandem with the emerging replacement LDP, with the SA Report for the final LDP Deposit Document then submitted to the Welsh Assembly to support an independent examination of the replacement LDP.
- Preparation of a Post Adoption Statement: By the end of the LDP Review process, a replacement LDP will have been adopted for the BCBC area, this is required by the end of 2021 to avoid a planning policy vacuum.



The Sustainability Appraisal Scoping Report is structured as follows:

- Section 2 – LDP Review Context and Proposed Content;
- Section 3 – Need for SEA;
- Section 4 – Environmental Information and Key Sustainability Issues;
- Section 5 – Proposed SA Framework describes the assessment framework which will be used to identify and assess the likely effects from the LDP Review;
- Section 6 – Proposed SA Methodology and Consultation; and,
- Section 7 – Next Steps.

Section 4 of the Scoping Report are supported by two appendices, namely:

- Appendix A – Baseline Analysis; and,
- Appendix B – Review of Plans, Programmes and Strategies supports

The SEA Regulations also introduce a link between SEA and a need, in some cases, for a separate Habitats Regulation Appraisal (HRA) of plans and projects where there is the potential for significant effects on European Sites (Special Protection Areas and Special Areas of Conservation). Further details regarding the HRA are provided in the Initial HRA Screening Report that was submitted to Natural Resources Wales (NRW) in tandem with this SA Scoping Report.

In terms of Targeted Stakeholder Consultation, the Draft Sustainability Appraisal Scoping Report and the Initial HRA Screening Report was subject to a 5 week stakeholder consultation period commencing 23rd July 2018 until 27th August 2018. The LPA received 9 consultation responses. A summary of the key issues raised in relation to the reports was provided in the Consultation report.

RESOLVED: That the Committee:-

- (1) Endorsed the contents of the Sustainability Appraisal Scoping Report, the Initial HR Screening Report and Screening Determination.
- (2) Gives delegated authority to the Group Manager Development, Communities Directorate to make any factual corrections or amendments to the reports, as considered necessary.

168. CANDIDATE SITE ASSESSMENT QUESTIONNAIRE

The Corporate Director – Communities submitted a report, the purpose of which, was to inform Committee of the Candidate Site Assessment Questionnaire (attached at Appendix 1 to the report).

The Principal S106 Officer advised that the Development Planning Section has undertaken 5 weeks of targeted consultation on the Questionnaire at the same time as the Draft Sustainability Appraisal (SA) Scoping Report, and the Draft Initial Habitats Regulation Appraisal (HRA) Screening Report.

The Call for Candidate Sites is a key early stage in the preparation of the Replacement Bridgend Local Development Plan (LDP), as it enables interested parties to submit sites they feel should be included in the plan whether it be for new housing, employment or other uses such as community and recreation use.

The Candidate Site Assessment Questionnaire has been designed to ensure integration between the Sustainability Appraisal and site selection process. The questionnaire will help ensure that interested parties include sufficient information and data to allow the Local Planning Authority to make a robust assessment.

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A summary of the consultation responses was included on the Amendment Sheet to the report.

A total of 7 responses were received in response to the consultation, with the only substantive comments being from the Home Builders Federation. This was to be expected, as members of the HBF would in all probability, submit the majority of Candidate Sites.

The Principal S106 Officer further added, that the comments received had been constructive, and as a result of this, 1 or 2 very minor amendments to some of the questions had been made, in to provide greater clarity. The main alteration Officers were proposing, was to provide a set of guidance notes to accompany the questionnaire in order to assist interested parties to complete the form.

RESOLVED: That Members:-

- (1) Endorsed the Candidate Site Assessment Questionnaire, and
- (2) Gave delegated authority to the Group Manager Development, Communities Directorate, to make any factual corrections or amendments to the Candidate Site Assessment Questionnaire, as considered necessary.

### 169. APPEALS

- RESOLVED:
- (1) That the Appeal as detailed in the report of the Corporate Director – Communities, received since his last report to Committee, be noted.
  - (2) That the Inspectors appointed by Welsh Ministers to determine the following Appeals has directed they be allowed, subject to Conditions:-

Code No.                      Subject of Appeals

A/18/3198111(1827)    2 static residential gypsy caravans, day/utility room, 2 touring caravans & relocate access/driveway: former playground, Fountain Terrace, Aberkenfig

A/18/3200555(1829)    New dwelling, land off Albany Road, Pontycymmer

D/18/3202925(1832)    1<sup>st</sup> floor extension to side & loft conversion 10 Rhodfar Coed, Maesteg

- (1) That the Inspectors appointed by Welsh Ministers to determine the following Appeals has directed they be dismissed:-

A/18/3197614(1826)    Erect 3 detached dwellings and associated works, Land adj Ty Gwyn, Heol Y Graig, Porthcawl

A/18/3200227(1828)    Conversion of 3 lock-up garages into small shop garages to rear of 67 John Street, Porthcawl.

D/18/3203035(1834)    Re-modelling of dwelling to inc. new roof shape, alterations, extension & loft conversion inc. dormers; raising of ground levels to accommodate erection of detached garage; installation of retaining walls to support change in ground levels Penybryn, Bridgend, Bryncethin

### 170. TRAINING LOG

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The Corporate Director – Communities submitted a report, that outlined up and coming training session dates for Members as part of the Committees Training Log.

The Group Manager Development advised that it may be useful sometime in the future, to also have sessions in relation to contributions for Educational developments, as well as an item on Car Parking Standards.

RESOLVED: That the report be noted.

171. URGENT ITEMS

None.

The meeting closed at 16:50