

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 15 OCTOBER 2015

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 15 OCTOBER 2015 AT 2.00 PM

Present

Councillor M Thomas – Chairperson

N Clarke	GW Davies MBE	PA Davies	CA Green
RC Jones	DRW Lewis	JE Lewis	HE Morgan
JC Spanswick	G Thomas	C Westwood	R Williams
M Winter			

Officers:

Jonathan Parsons	Group Manager Development
Rhodri Davies	Development and Building Control Manager
Craig Flower	Team Leader Technical Support
Mark Galvin	Senior Democratic Services Officer - Committees
Nicola Gandy	Principal Planning Officer
Rod Jones	Senior Lawyer
Tony Godsall	Traffic and Transportation Manager
Robert Morgan	Transportation Development Control Officer
Sue Tomlinson	Project Officer
Andrew Rees	Senior Democratic Services Officer – Committees
Sarah Daniel	Democratic Services Officer - Committees

628. APOLOGIES FOR ABSENCE

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

Councillor L Morgan – Hospital Appointment
Councillor D Sage – Unwell
Cllr J Tildesley – Personal Commitment

629. DECLARATIONS OF INTEREST

Declarations of Interest were received from the following Officers/ Members:

Councillor G W Davies – P/15/304/FUL – Prejudicial interest as the objectors were known to him and withdrew from the meeting during consideration of this item.

Councillor G W Davies – P/15/214/FUL – Prejudicial interest as he is known to the applicant and withdrew from the meeting during consideration of this item.

Councillor HE Morgan – P/15/361/FUL – Prejudicial interest – as he took part in discussion of the application at the Bridgend Town Council Planning Committee and withdrew from the meeting during consideration of this item.

Councillor N Clarke – P/15/172/FUL – Personal interest – is a member of Porthcawl Town Council but takes no part in planning matters

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Mr R Morgan – P/15/543/FUL – Prejudicial Interest – as the applicant is well known to him and withdrew from the meeting during consideration of this item.

630. 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 25 November 2015

631. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Development Control Committee of 3 September 2015 were approved as a true and accurate record

632. PUBLIC SPEAKERS

The Chairperson read out for the benefit of those present the name of the public speakers addressing the following applications which were considered at the meeting:

<u>Name</u>	<u>Planning Application Number</u>	<u>Reason for Speaking</u>
A Thomas	P/15/304/FUL	Objector
R Burns	P/15/361/FUL	Objector
G Griffiths	P/15/361/FUL	Applicant
P Domachowski	P/15/543/FUL	Objector
B Board	P/15/543/FUL	Applicant

633. AMENDMENT SHEET

The Group Manager Development advised that in accordance with new procedures , and following the Chairperson's consent, Members had received the Amendment Sheet following the the Site Visit 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

The Chairperson also thanked Councillor N Clarke for submitting a question prior to the Development Control Committee as this allowed for the Officers to conduct the appropriate research and give Councillor Clarke a thorough answer.

634. P/15/304/FUL - LAND AT BRYN MYNACH FARM, LLAN ROAD, MAESTEG

RESOLVED: That the following application be granted subject to the Conditions contained in the report of the Corporate Director Communities to the Development Control Committee dated 15 October 2015, subject to the inclusion of the following note:

e) In respect of condition No.4 the vision splays referred to are as shown on drawing number 002 related to planning permission P/08/1061/FUL

Code No Proposal

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P/15/304/FUL Land at Brynmynach Farm, Llan Road, Maesteg – Detached dwelling at Wild Boar Farm to accommodate the owners of the farm business.

635. P/15/322/FUL - LAND SOUTH WEST OF MAESTEG ROAD, TONDU

RESOLVED: That the following application be granted subject to the Conditions contained in the report of the Corporate Director Communities to the Development Control Committee dated 15 October 2015, subject to the inclusion of the following condition:

15) No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splays areas at any time

Reason: In the interest of highway safety

Code No

Proposal

P/15/322/FUL Land South West of Maesteg Road, Tondy - Erect 2 X A1 Units & 2 X A3 Units with access, parking

636. P/15/444/FUL - LAND AT BEDW STREET/HUMPHRIES TERRACE, CAERAU, MAESTEG

RESOLVED: That the following application be granted subject to the Conditions contained in the report of the Corporate Director Communities to the Development Control Committee dated 15 October 2015.

Code No.

Proposal

P/15/444/FUL Land at Bedw Street/ Humphries Terrace, Caerau, Maesteg - Change of use of land for storage in association with Caerau Football Club

637. P/15/361/FUL - REAR OF 79 MERTHYR MAWR ROAD, BRIDGEND

RESOLVED: That the following application be granted subject to the Conditions contained in the report of the Corporate Director Communities to the Development Control Committee dated 15 October 2015, subject to the amendment of condition 2 of the report as follows:

2. The parking areas shall be completed in permanent materials and the garage also completed before the development is brought into beneficial use and thereafter the parking areas and garage must be retained for parking purposes in perpetuity.

Code No.

Proposal

P/15/361/FUL Rear of 79 Merthyr Mawr Road, Bridgend - 2 No. Flats within new 2 storey building facing on to Heol Gam

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638. P/15/543 FUL - 133 COWBRIDGE ROAD, BRIDGEND

RESOLVED: That the following application be granted subject to the Conditions contained in the report of the Corporate Director Communities to the Development Control Committee dated 15 October 2015.

Code No. Proposal

P/15/526/FUL 133 Cowbridge Road, Bridgend - Retention of building as built (Amendment to P/13/147/FUL) for use as studio dwelling by family member

639. P/15/214 FUL - HARDEN HOUSE, 115 OXFORD STREET, PONTYCYMMER

RESOLVED: That at the applicants request, consideration of the following application be deferred until the next meeting of the Development Control Committee in order that the viability of the site may be further examined so as to enable full assessment of this issue and the ability to meet the Section 106 obligation

Code no. Proposal

P/15/214/FUL Harden House, 115 Oxford Street, Pontycymmer - Convert offices to 6No. 3-storey dwellings

640. P/15/526/FUL - LAND REAR 26-27 CLOS PEN LLWYN, BROADLANDS, BRIDGEND

RESOLVED: That the following application be granted subject to the Conditions contained in the report of the Corporate Director Communities to the Development Control Committee dated 15 October 2015 subject to the inclusion of the following note:

e) The developer is advised to consider the incorporation of bat bricks, bat tiles and bat boxes within the development as these would provide summer roosting opportunities for bats.

Code No. Proposal

P/15/526/FUL Land rear 26-27 Clos Pen Llwyn, Broadlands, Bridgend - Construction of new detached dwelling

641. P/15/172/FUL - 52 JOHN STREET, PORTHCAWL

RESOLVED: That the following application be granted subject to the Conditions contained in the report of the Corporate Director Communities to the Development Control Committee dated 15 October 2015

Code no. Proposal

P/15/172/FUL 52 John Street, Porthcawl - Conversion of existing commercial property to 1No. One bed residential dwelling

642. APPEALS

RESOLVED: (1) That the following Appeal received as outlined in the report of the Corporate Director Communities be noted.

<u>Code No.</u>	<u>Subject of Appeal</u>
A/15/3133197 (1761)	1 Green Meadow, Cefn Cribwr

(2) That the Appeal received as outlined in the report was withdrawn at the appellant's request

<u>Code No.</u>	<u>Subject of Appeal</u>
A/12/2179972 (1730)	Provision of Wind Turbine on site of former water tower: Former Stormy Down Aerodrome

643. MARGAM MINE

The Group Manager Development provided an update on the current position of the Margam Opencast Coal Site to Committee. He explained that since the last update report, meetings had been held with Celtic Energy and the land owner both in conjunction with NPT Council and individually with Bridgend Officers. The main issues discussed related to safety, security and future restoration proposals for the Margam site. He added that following meetings with the land owner and Celtic Energy the following facts were established.

The Group Manager Development stated that Margam opencast coal site was owned by "Beech", which was a subsidiary of "Oak Regeneration", Celtic Energy's involvement on the site was limited to water monitoring and security. Celtic Energy confirmed that the liability for the site rests with the landowner, i.e. Oak and whilst it continued maintaining water levels in the void it cannot do so indefinitely. The pumping process was very expensive and a long term solution is needed to control water levels. This would need to be funded from the current restoration fund. Celtic Energy only have access to the site until June 2017.

The Group Manager Development advised that a "light" restoration scheme had been discussed, utilising the existing restoration funds, which involved creating a channel from the water filled void into an adjacent water course, some re-profiling of the overburden mound, landscaping and reinstatement of rights of way across the site. The water in the void would remain but be made safe by way of a channel. The original restoration scheme involved the full reinstatement of Crown Road and Bedford Road, which were severed to accommodate the mine. If this were to be proposed it would have a significant financial impact on the final restoration scheme and consideration should be given as to whether the reinstatement of rights of way may be achievable in the form of a bridleway or cycle path in any future restoration proposal. The Group Manager Development added that Celtic Energy had indicated that it would be prepared to submit a planning application for the "light" restoration scheme early next year. Whilst the void area is located within the NPT administrative district, a considerable part of the unrestored site is within Bridgend and this will necessitate the submission of applications to both authorities. A consensus between Bridgend Council and the neighbouring Neath Port Talbot would be critical to the success of any future restoration proposals

A summit on the restoration of open cast coal mines was held in July, with representatives from Welsh Government, Local Planning Authorities, community groups

and mine operators. The Welsh Government Minister had set out his intentions or moving forward by way of a written statement, which identified the following areas for further work:-

- Improving the resilience of the minerals planning service in Wales by pooling skills and expertise;
- Engaging local authorities, industry and communities in the joint Welsh Government/ Coal Authority work to prepare best practice guidance on the calculation, accumulation and management of bonds which would seek to establish a consistent basis for negotiations across Wales;
- a focused review of MTAN2, the scope of which would include consideration of the exceptions to the buffer zone policy;
- starting a dialogue with UK Government, particularly their stake on legacy sites (especially the portfolio sites on which there was immunity from bonding) and to feed back to a follow up event at a later date.

The Group Manager Development stated that a representative from the Department of Environment and Climate Change was due to visit the site and speak to local representatives including the LPAs towards the end of October 2015. However, notwithstanding the visit, the availability of future central government funding to secure full restoration could not be relied upon. Also, any subsequent changes to planning guidance or discussion on 'good practice' unfortunately would not help improve the legacy issues at Margam.

The Group Manager Development stated that as previously highlighted, the success of any further enforcement action on the site was extremely unlikely. In addition to the issues with the validity of the Bridgend conditions, any enforcement notice would be challengeable by way of an appeal and even if a notice was ultimately upheld, it would not result in the full restoration of the site as originally envisaged as any enforcement action is to a certain extent dependent on the cooperation of the landowner. If the landowner company was to fold then it would be left to the local authorities to oversee the restoration with the limited funds available.

The Group Manager Development stated that presently, the site operator Celtic Energy had indicated a willingness to engage with both LPAs in order to carry out the light restoration proposals described above and that it will continue with the pumping operations in order to maintain water levels in the void. However, the continued cooperation of the company would not be possible if in the future it ceased to operate on this site. In any event Celtic Energy had made it clear that it would not continue pumping indefinitely. Once pumping stops, the water levels in the void would increase.

The Group Manager Development concluded by informing Committee that at a recent meeting, NPT Planning Committee resolved to pursue a light restoration scheme with the land owner and Celtic Energy utilising the current restoration fund. Negotiations were currently underway and a planning application was expected early next year. Under timescales discussed with Celtic Energy the restoration works may commence sometime during the middle of 2016 with an expectation that the works are completed the following year. Members were advised that this scheme is a realistic way forward to secure the long term safety of the site and that they should seriously consider any future proposal for the light restoration of the open cast site.

A member asked if Bridgend Council and Neath Port Talbot Council could appeal to the Welsh Government to help with the ongoing situation. The Group Manager

Development stated that the Welsh Government Minister has indicated that the matter is a national issue and it is unable to intervene or provide any funding.

RESOLVED: That the report of the Corporate Director was noted

644. FEE INCREASE

The Group Manager Development updated the Committee on the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 that came into effect on the 1 October 2015. He explained that the Planning application fees were set nationally by Welsh Government and the increase provided an average of 15% across the board which was the first since 2009. He added that planning fees in England were similarly increased in 2012, and based on the average fee income over the last 5 years, the increase equates to around £79,000 per annum to Bridgend. The Minister had written to all local authorities indicating that the fee increase should be used to improve their planning services.

The Group Manager Development welcomed the increase in fee income, however, he stated that notwithstanding the Minister's expectations the planning fee increase will help to stem a further reduction in service levels as part of the medium term financial strategy and unfortunately would not be used to improve existing services. He added that whilst the importance placed on the planning function was encouraging, the new fees regulations also included a provision (Regulation 9) that required local planning authorities to refund planning fees if applications are not determined within a certain timescale and where agreement could not be reached on extending the time period. He added that the regulation would also apply to applications that were awaiting the completion of a legal agreement which, through no fault of the local planning authority, may be delayed. Planning fees for major schemes could run into many thousands of pounds.

The Group Manager Development stated that there was concern that introducing the principle in the planning process would place increased emphasis on speed of determination rather than focusing on the quality of a decision and outcomes. He added that this would result in greater pressures on the planning service in Bridgend in terms of performance, particularly as the planning service had already reduced by almost a half over the last 6 years due to budget cuts. He advised Committee that if the provision had already been in place this current year, the planning department would have had to refund £26,640 back in application fees, which is the salary of a senior planning officer.

The Group Manager Development stated that Regulation 9 would apply to all planning applications submitted after the 1 October 2015. He added that whilst the vast majority of applications submitted to Bridgend are determined well within timescales, delays do occur for a number of reasons. He further added that Officers would continue to monitor determination dates to ensure that where necessary an extension of time to determine would be sought and agreed with the applicant. In a case where no agreement is able to be reached then the risk of refunding application fees would inevitably increase. In the case of applications that are deferred at Committee it may be necessary to consider reconvening the meeting or holding a separate meeting out of the normal Committee cycle to ensure timescales are met.

The Group Manager Development concluded that the Leader had responded to the Minister's letter expressing concern over the introduction of Regulation 9 and requesting information or evidence as to why this approach had been adopted and how it would improve the planning process. He added he would inform the Committee if or when a response was received.

RESOLVED: The Committee noted the report

645. ANNUAL PERFORMANCE REPORT

The Group Manager Development gave an update to the Committee on the Annual Performance Report (APR). He stated that the Annual Performance Report was a factual public document which outlined how a local planning authority had performed against a set of indicators identifying what it did well so that it could be shared with others and what steps might be taken to address areas of performance in need of improvement.

The Group Manager Development stated that following adoption of the performance framework indicators in November 2014, local planning authorities must submit an APR every November with the first report due on 20 November 2015. He advised that a draft APR was currently being produced and Members would be updated once the document was finalised.

RESOLVED: The Committee noted the report.

646. PUBLIC OPEN SPACE SPG

The Group Manager Development advised that in accordance with revised procedures that were agreed following the training session in July, Members would be involved with the formulation, preparation and publication of future supplementary planning guidance (SPG)

The Group Manager Development asked for nominations for up to three Committee members to sit on the Open Spaces SPG group, which would comprise of planning officers together with colleagues from other Council sections. The next stage would then be to convene a scoping meeting, to establish the purpose extent and evidence base required for the document and to agree a timescale. A draft SPG would then be produced and discussed at a future training or workshop session. The nominated members would assist in the facilitation of the session. The final document would then require DC Committee and Council approval.

RESOLVED: That the Committee agreed the following members be nominated to assist with the preparation of the Open Spaces SPG

Councillor JC Spanswick
Councillor HE Morgan
Councillor DRW Lewis

647. TRAINING LOG

RESOLVED: That the report of the Corporate Director Communities outlining forthcoming training activities for Members, be noted.

648. PORTHCAWL CONSERVATION AREA

The Group Manager – Development submitted a report to Committee to advise Members that a conservation area appraisal and draft management plan for Porthcawl Conservation Area had been prepared as part of a programme of conservation area appraisals. Members' agreement was sought to consult on one of the recommendations namely the proposed extension of the Porthcawl Conservation Area.

RESOLVED: That Members' authorised Officers to:

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1. Consult the public on the proposed extension to the Porthcawl Conservation Area; and
2. Report back on the results of the consultation

649. URGENT ITEMS

None

The meeting closed at 4.22 pm