



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 8TH JUNE 2016 AT 5:00PM

PRESENT:

Councillor D.G. Carter - Chair

Councillors:

J. Bevan, Mrs P. Cook, J.E. Fussell, R.W. Gough, C. Hawker, A. Lewis, K. Lloyd, D. Rees, J. Simmonds, Mrs E. Stenner and J. Taylor.

Together with:

T. Stephens (Development Control Manager), R. Crane (Solicitor), M. Noakes (Senior Engineer, Highway Planning), M. Godfrey (Senior Environmental Health Officer), C. Powell (Principal Planner), M. Davies (Principal Planner), C. Boardman (Senior Planner) and E. Sullivan (Democratic Services Officer).

APOLOGIES

Apologies for absence had been received from Councillors M. Adams, D. Bolter, W. David, Mrs J. Gale, L. Gardiner, A.G. Higgs, Mrs G. Oliver and Mrs J. Summers.

1. DECLARATIONS OF INTEREST

Declarations of interest were received during the course of the meeting as follows: 16/0520/FULL – Councillors J.E. Fussell and J. Taylor details are minuted with the respective item.

2. MINUTES – 4TH MAY 2016

RESOLVED that the minutes of the Planning Committee held on 4th May 2016 (minute nos. 1-10) be approved and signed as a correct record.

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT - NORTH AREA.

3. CODE NO. 15/0563/OUT – LAND AT TY MAWR, TY MAWR FARM LANE, CROESPENMAEN.

It was noted that the application had been subject to a site visit on Monday 6th June 2016, a briefing note of the issues raised was summarised by the Officer and are appended to these minutes.

Following consideration of the application it was moved and seconded that the application be deferred for a further report for reasons for refusal as the proposed development is outside the settlement boundary on a green wedge and highway safety and by show of hands and in noting there were 3 against this agreed by the majority present.

RESOLVED that the application be deferred for a further report with reasons for refusal based on the application being outside the settlement boundary on a green wedge and highway safety.

4. CODE NO. 15/0774/FULL – LAND AT TYLE CRWTH, SOUTH WEST OF YNYSDDU, NEWPORT.

It was noted that the application had been subject to a site visit on Monday 6th June 2016, a briefing note of the issues raised was summarised by the Officer and are appended to these minutes.

Councillor Ms. J. Jones spoke on behalf of local residents in objection to the application and Mr D. Coonick the applicant spoke in support of the application.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved subject to an amendment to condition 13 in relation to the Shadow Flicker Protocol and by show of hands and in noting there were 2 against this was agreed by the majority present.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report and the following amended condition this application be granted;

Amended Condition (13)

Prior to the commissioning of the wind turbine hereby approved it shall be fitted with a control system that automatically shuts down the turbines during times that shadow flicker occurs, in accordance with a Shadow Flicker Mitigation Protocol that shall have been agreed in writing with the Local Planning Authority. The Shadow Flicker Protocol shall include:

- 1) The mapping of the turbine and the nearby building window sizes, elevations and orientations of potentially affect buildings.
- 2) The creation of a computer model of the turbine, together with details of the nearby window sizes, elevations, orientation, potential blocking points and room occupancy periods.
- 3) A Shadow Flicker Assessment to be undertaken in the computer model which details the days and periods in each day that the turbine may cause shadow flicker to the buildings.
- 4) The times of potential shadow flicker are to be inputted into the turbine control systems, which is to be fitted with a sunlight detector.
- 5) When the control system detects that it is both sunny and is in time of potential shadow flicker then the turbine will shut down until there is no sun or the time passes for potential shadow flicker.

Unless the Local Planning Authority gives its written consent to any variation.

Reason

To control flicker in the interests of the amenity of potential nearby flicker sensitive properties.

- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2, CW3 and CW4.
- (iii) the applicant be advised of the comments of National Air Traffic Services, Wales and West Utilities, Ofcom, Defence Infrastructure Organisation, Council's Ecologist, Public Rights of Way Officer, Senior Engineer (Land Drainage), Glamorgan Gwent Archaeological Trust, Dwr Cymru/Welsh Water and Natural Resources Wales.

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT - SOUTH AREA.

5. PREFACE ITEM CODE NO. 16/0286/OUT – SCHOOL HOUSE, TABOR ROAD, MAESYCWMMER, HENGOED.

It was noted that the application had been subject to a site visit on the 3rd May 2016.

Following consideration of the application it was moved and seconded that the recommendation contained within the Officer's preface report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2 and CW3;
- (iii) the applicant be advised that mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing;
- (iv) the applicant also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

6. CODE NO. 13/0726/FULL – ROBERT PRICE (BUILDERS MERCHANTS) LTD, 145 PONTYGWINDY ROAD, CAERPHILLY.

Mr Ryan spoke in objection to the application and the applicant's agent who had been advised did not speak.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by show of hands and in noting there were 7 against and 4 in favour the motion was declared lost.

It was moved and seconded that the application be deferred for a further report with reasons for refusal based on the impact of the proposed development on residential amenity and by show of hands in noting there were 4 against this was agreed by the majority present.

RESOLVED that the application be deferred for a further report with reason for refusal based on the impact of the development on residential amenity.

7. CODE NO. 16/0076/OUT – LAND TO THE NORTH OF MEADOWLAND CLOSE, CAERPHILLY.

It was noted that the application had been subject to a site visit on the 6th June 2016, a briefing note on the issues raised was summarised by the Officer and are appended to these minutes.

Councillor J. Pritchard on behalf of local residents spoke in objection to the application; the applicant who had been advised did not speak.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved subject to an additional condition in relation to a Construction Traffic Management Plan and by show of hands this was unanimously agreed.

RESOLVED that: -

- (i) the application be deferred to allow the applicant to enter into a Section 106 Agreement on completion of the Agreement and subject to the conditions contained in the Officer's report and the following additional condition this application be granted;

Additional Condition (17)

Notwithstanding the submitted plans no works shall commence on site until after a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall provide details of the contractors parking provision within the site, details of the HGV delivery movements in terms of size, duration and number of vehicles, the adequacy or otherwise of the entrance through Meadowland Close for us by site traffic and the provision of a suitable turning area within the site for approval. The works thereafter shall be carried out in accordance with the approved plan.

Reason

In the interest of highway safety.

- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2, CW3 and CW4;

- (iii) the applicant be advised of the comments of the Head of Public Services, Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage) and Natural Resources Wales.

8. CODE NO. 16/0166/FULL – 34 DOWNEY GROVE, PENPEDAIRHEOL, HENGOED.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by show of hands this was unanimously agreed.

RESOLVED that this application be REFUSED.

9. CODE NO. 16/0178/OUT – LAND AT TABOR ROAD, MAESYCWMMER, HENGOED.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by show of hands this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2 and CW3;
- (iii) the applicant be advised of the comments of the Council's Ecologist, Senior Engineer (Land Drainage) and Dwr Cymru/Welsh Water.

10. CODE NO. 16/0520/FULL – 8 CAE FFYNNON, CAERPHILLY.

Councillor J.E. Fussell declared a personal prejudicial interest in that he had campaigned for the applicant at bi-election and Councillor J. Taylor declared a personal prejudicial interest in that he had acted as Election Agent for the applicant both left the chamber when the application was discussed.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by show of hands this was unanimously agreed.

RESOLVED that subject to the conditions contained in the Officer's report this application be granted.

11. PLANNING APPEAL DECISIONS

The Development Control Manager introduced the report which reviewed two recent appeal decisions in respect of housing development.

The report noted that whilst both proposal were on the face of it were contrary to the adopted Local Development Plan (LDP) other material planning considerations, in particular the five year housing land supply, weighed in favour of the proposals.

Members were referred to sections 4.2 and 4.3 of the report which detailed the issues considered by the inspectors when determining the appeals and the conclusions drawn were summarised.

The Officer confirmed that when determining applications Members must consider the strength of the evidence supporting any reason for refusal, the need to take a reasonable approach and the importance of the weight given to the housing land supply shortage held in the decision-making process.

The Chair thanked the Officer for his report and full discussion ensued.

Concerns were expressed with regard to the pressures being placed on local Councillors and the dilemma facing Planning Committee Members with regard to applications on green-wedge sites. Members were of the opinion that these green-wedge applications being contrary to policy under the existing LDP have, for that reason, sufficient grounds for refusal and this would in previous years been sufficient to defend said refusal on appeal. However, as clearly illustrated by the Cwmgelli decision, due to the weight given to 5 year land supply by Inspectors, are being allowed on appeal. They felt that, in essence, the committee's hands were being tied when making decisions on certain policy grounds. Members acknowledged and accepted the requirement of the Planning Authority to ensure sufficient housing land supply but it should not be at the expense of green spaces, particularly when there were so many brown-field sites available throughout the county borough. Reference was made to the withdrawal of the Land Reclamation Grant and the impact of this funding loss was discussed.

The Officer acknowledged the pressures on both Councillors and Officers in this regard but emphasised the need to take a measured and common sense approach to decision making and the responsibility of the Planning Authority to deliver a 5 year land supply would continue to be a material planning consideration going forward.

Members referenced Welsh Governments' response letter to the deposit LDP as part of the on-going consultation process and their comment that the household projections stated therein had been over allocated. The Officer advised that Welsh Government were broadly in support of the document and confirmed that the household projections referenced had been based on Welsh Governments' earlier (2014) recommendation that a housing supply plan should not be based on growth during a time of recession and for this reason Officers had based their projections on a medium period of growth.

Members also expressed concern that the contrary responses from Welsh Government had undermined the document and the integrity and credibility of well respected Officers was being called into question as a result and this was unacceptable.

The Officer confirmed that he had requested clarification from Welsh Government on the conflicting guidance.

Having fully considered its content the Planning Committee noted the report.

12. ITEMS FOR INFORMATION

The following items were received and noted: -

- (1) Applications determined by delegated powers;
- (2) Applications which are out of time/not dealt with within 8 weeks of date of registration;
- (3) Applications awaiting completion of a Section 106 Agreement;
- (4) Appeals outstanding and decided.

The meeting closed at 18.39pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 6th July 2016, they were signed by the Chair.

CHAIR