



## PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 9TH AUGUST 2017 AT 5PM

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#### PRESENT:

Councillor M. Adams - Chair

#### Councillors:

Mrs E.M. Aldworth, C. Andrews, A. Angel, J.E. Fussell, R.W. Gough, A. Higgs, Mrs G. D. Oliver, J. Ridgewell, J. Simmonds, J. Taylor, A. Whitcombe, R. Whiting, T.J. Williams

Cabinet Member for Environment and Public Protection - Councillor Mrs E. Stenner

#### Together with:

T. Stephens (Development Control Manager), R. Crane (Solicitor), C. Powell (Principal Planner), C. Boardman (Area Senior Planner), A. Pyne (Area Senior Planner), L. Cooper (Assistant Engineer), H. Morgan (Senior Committee Services Officer)

#### 1. APOLOGIES

Apologies for absence had been received from Councillors J. Bevan, W. David, W. David, M. Davies, A. Hussey and B. Miles.

#### 2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

#### 3. MINUTES - 12TH JULY 2017

RESOLVED that the minutes of the Planning Committee held on 12th July 2017 (minute nos. 1 - 9) be approved and signed as a correct record.

**4. CODE NO. 17/0443/OUT - LAND WITHIN CURTILAGE OF THE HAWTHORNS, NEW ROW, MACHEN**

It was noted that the application had been subject to a site visit on Monday 7th August 2017. A briefing note on the issues raised was tabled at the meeting, summarised by the Officer and is appended to these minutes.

Councillor D. Havard spoke in objection to the application and Gerald Westlake-Toms spoke on behalf of the applicant.

Following consideration of the application it was moved and seconded that subject to an amendment to condition (14) and an additional condition, the recommendations contained in the Officer's report be approved. By a show of hands, and in noting there were 2 against, this was agreed by the majority present

RESOLVED that: -

- (i) subject to an amendment to condition (14), an additional condition and to the conditions contained in the Officer's report this application be granted:

Amended Condition (14)

The existing carriageway leading from Tudor Gardens into the site shall be widened to a minimum of 4.1m and shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority, and shall be completed prior to the commencement of any other works on site in relation to the development hereby approved.

Reason: In the interests of highway safety.

Additional Condition (15)

The dwelling hereby permitted shall not exceed 7.5m in height.

Reason: In the interests of the visual amenity of the area.

- (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 the permission: CW2, CW3 and CW4;
- (iii) the proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place;
- (iv) the applicant be advised that it is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible

be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>;

- (v) the applicant be advised that any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider;
- (vi) the applicant be advised that if any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority);
- (vii) the applicant be advised of the comments from Dwr Cymru/Welsh Water, the Councils Land Drainage Engineer and the Council's Ecologist.

## **5. CODE NO. 17/0326/FULL – LAND WITHIN CURTILAGE OF 50 THE CRESCENT, TRECENYDD, CAERPHILLY**

Mr A. Coombes spoke in objection to the application and Mr M. Coxe, the applicant, spoke in support of the application.

Following consideration of the application it was moved and seconded that the recommendations contained in the Officer's report be approved. By a show of hands, and in noting there were 3 against, this was agreed by the majority present

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 the permission: CW2 and CW3;
- (iii) the applicant be advised that before any vehicle crosses the public footway, a properly formed vehicular crossover must be provided, the constructional details of which must be agreed with the Highway Authority. The applicant should ring (01495) 235323 in this regard. Should the applicant wish to undertake the work themselves, or employ a private contractor, a Licence to Excavate the Highway will be required. This licence will not be required if the work is undertaken by the Council's Network Contracting Services. It should be noted than any unlicensed work in, or disturbance of, the

highway is an offence under the Highways Act 1980 and in such circumstances legal action may be undertaken in order to rectify matters;

- (iv) The applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority);
- (v) the applicant be advised of the comments from Dwr Cymru/Welsh Water, the Councils Land Drainage Engineer and the Council's Ecologist.

## 6. CODE NO. 17/0487/FULL – 4 SKOMER ISLAND WAY, CAERPHILLY

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

Following consideration of the application it was moved and seconded that subject to additional conditions the recommendations contained in the Officer's report be approved. By a show of hands, and in noting there was 1 against, this was agreed by the majority present

RESOLVED that: -

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

### Additional Condition (08)

Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the existing property at 4 Skomer Island Way, Caerphilly, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new extension hereby approved is first occupied.

Reason: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

### Additional Condition (08)

Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling or Swift) in the existing property at 4 Skomer Island Way, Caerphilly, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new extension hereby approved is first occupied.

Reason: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

- (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 the permission: CW3 and SP6;

- (iii) the applicant be advised that many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing;
- (iv) the applicant 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);
- (v) the applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority);
- (vi) the applicant be advised for the avoidance of doubt the application boundary this application has been determined on is the redline which appears on the proposed site layout plan on drawing reference AL 00 001 revision E.

## 7. 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 6.02pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 13th Septemebr 2017, they were signed by the Chair.

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CHAIR

## MEMBERS SITE VISIT

PLANNING APPLICATION REFERENCE: 17/0443/OUT

PROPOSED DEVELOPMENT: Erect three bedroom detached two storey house and seek approval of the proposed access.

LOCATION: Land at The Hawthorns, New Row, Machen, Caerphilly

DATE OF SITE VISIT: 7th August 2017

MEMBERS PRESENT: Michael Adams, Rob Gough, Lisa Jones, June Gale, Derek Havard and Elizabeth Aldworth.

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The following points were raised by members, and the answers provided:

- Cllr Aldworth queried the height of the proposed dwelling and it was confirmed that the height specified on the submitted plans was 7.5m high. A condition can be attached to any consent granted, restricting the height of any proposed dwelling should members feel that this is necessary.
- Cllr Havard queried whether the land to the west of the application site and to the south of The Row could be developed in the future. Members were advised that whilst the Local Planning Authority has to determine the application before it, Officers are confident that any subsequent application to develop this land would not be prejudiced by any approval here.
- Members queried whether there were any issues with drainage in the area and they were advised that whilst this was a matter reserved for future consideration, the Council's land drainage section had been consulted on the application and had raised no objection subject to the submission of a comprehensive land drainage scheme.
- Members also queried why the previous application on the site had been refused. They were advised that in order to carry out the highways improvements required by the Council's Highways Officers, a section of the hedgerow and tree canopy to the front of the site would need to be removed. A tree survey and ecological report were requested to support the previous application but none was submitted and the decision was made to refuse the application. Surveys have now been carried out and submitted with this latest application and these have been assessed by Officers and found to be acceptable. As such the previous reason for refusal is no longer relevant.