



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 6TH DECEMBER 2017 AT 5:00PM

PRESENT:

Councillor M. Adams - Chair

Councillors:

Mrs E.M. Aldworth, C. Andrews, M. Davies, J.E. Fussell, R.W Gough, A. Hussey, B. Miles, J. Ridgewell, J. Simmonds, J. Taylor, A. Whitcombe, R. Whiting, T.J. Williams

Together with:

T. Stephens (Development Control Manager), R. Crane (Solicitor), L. Cooper (Assistant Engineer), M. Godfrey (Team Leader – Public Health and Protection), C. Powell (Area Principal Planner), E. Rowley (Area Senior Planner), M. Davies (Team Leader South), D. Lewis (Enforcement Officer), H. Morgan (Senior Committee Services Officer) and J. Tyler (Committee Services Administrative Assistant).

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors A. Angel, J. Bevan, W. David, A.G. Higgs, Mrs G. Oliver and A. Whitcombe and the Cabinet Member for Environment and Public Protection - Councillor Mrs E. Stenner.

2. DECLARATIONS OF INTEREST

Declarations of interest were received as follows – Councillor Mrs E.M. Aldworth - 17/0750/COU details are minuted with the respected item.

3. MINUTES – 8TH NOVEMBER 2017

RESOLVED that the minutes of the Planning Committee held on the 8th November 2017 (minute nos. 1-10) be approved and signed as a correct record.

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

4. PREFACE ITEM CODE NO. 17/0565/FULL – ROBERT PRICE (BUILDERS MERCHANTS) LTD, 145 PONTYGWINDY ROAD, CAERPHILLY.

Following consideration of the Officer's preface report it was moved that the application be refused. This was not seconded. Following consideration of the Officer's original report it was moved and seconded that the recommendations be approved. By a show of hands, and in noting there were 2 against and 2 abstentions, this was agreed by the majority present.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's original report this application be granted;
- (ii) the applicant be advised that the following policy of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is relevant to the conditions of the permission: CW2;
- (iii) the applicant be advised of the comments from Dwr Cymru/Welsh Water and Council's Ecologists.

5. CODE NO. 17/0256/FULL – LAND WITHIN CURTILAGE OF, XPO TRANSPORT SOLUTIONS UK LIMITED, UNIT A, DISTRIBUTION WAY, DYFFRYN BUSINESS PARK, YSTRAD MYNACH, HENGOED.

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.

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 of the comments from Dwr Cymru/Welsh Water and National Grid.

6. CODE NO. 17/0897/FULL – TY TREHARNE, GROESWEN ROAD, GROESWEN.

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.

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 CW3 and CW4;
- (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). 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 age of the buildings dictate that asbestos may be present; if this is the case, a registered asbestos contractor should remove all asbestos within the boundary of the development. If the demolition is carried out regardless of this fact, the land within the boundary of the development could become contaminated;
- (vi) the applicant be reminded that it is an offence to obstruct a Public Right of Way. There is a Public Right of Way in the area of this application. The planning permission does not authorise the stopping up or diversion of the Public Right of Way. The Public Right of Way may be stopped up or diverted by Order under section 257 of the Town and Country Planning Act 1990, provided that the order is made before the development is carried out. If the Public Right of Way is obstructed before the Order is made, the order cannot proceed until the obstruction is removed. "The Public Right of Way in the area of the application must remain available for use and the safety of the public using the footpath must be ensured at all times." The Public Right of Way is regularly used by the public, and the site needs to be kept free of obstructions. (See attached map in PDF file 17-0897-FULL-PROW.pdf) which is an extract from the Definitive Map. The 'Guidance for applications for Mod Orders PROW.pdf' flowchart is also attached, and is sent for information should you wish to modify the Public Right of Way;
- (vii) the applicant be advised of the comments of the Council's Land Drainage Engineer.

7. CODE NO. 17/0750/COU – UNIT 4A AND 5, (UNIT 1-5), TRECENYDD BUSINESS PARK, TRECENYDD, CAERPHILLY.

Councillor Mrs. E. M. Aldworth declared an interest (in that her husband is a semi-retired employee of the establishment) and left the meeting when the application was considered.

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

RESOLVED that: -

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

Additional Condition(04)

No part of the buildings shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for the control of noise emanating from the building(s) and associated plant and equipment. The

measures included in the approved scheme shall be implemented prior to the first occupation of the building that they relate to and thereafter the measures shall be operated in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area

Additional Conditions (05)

Prior to the commencement of the use hereby approved a scheme for the ventilation of the premises including any external openings and flues shall be installed in accordance with details that shall have been submitted to and agreed in writing with the Local Planning Authority.

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

- (ii) the applicant be advised that the following policy of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is relevant to the conditions of the permission: CW2;

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

8. PREFACE ITEM CODE NO. 17/0270/OUT – LAND AT OAKDALE GOLF COURSE, OAKDALE GOLF COURSE LANE, OAKDALE, BLACKWOOD.

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

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's original and preface 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, CW3 and CW4;
- (iii) the applicant be advised of the comments from the Senior Engineer (Land Drainage), Natural Resources Wales, Police Architectural Liaison Officer, Rights of Way Officer, Conservation and Design Officer, Dwr Cymru/Welsh Water;
- (iv) the applicant be advised that should incorporate Sustainable Drainage principles into their drainage design where possible, to minimise the impacts to existing/proposed drainage infrastructure/receiving watercourses. Particular reference should be given to the requirements and advice contained within the following documents:
 - i. Recommended non-statutory standards for sustainable drainage (SuDS) in Wales - Published by Welsh Government, January 2016.
 - ii. The SuDs Manual C753, Published by Ciria, 2015.
 - iii. Code of practice for surface water management for development sites, BS 8582:2013.
 - iv. Rainfall Runoff Management for Developments, Published by the Environment Agency - Report SC030219.
 - v. Sewers for Adoption 7th Edition, published by Wrc plc, August 2012.
 - vi. Technical Advice Note 15: Development and Flood Risk, Published by Welsh Government, July 2004;

- (v) the applicant be advised that a detailed drainage strategy should be provided which demonstrates the proposed surface water drainage complies with the discharge hierarchy specified within Part H of the Building Regulations/Sustainable Drainage hierarchy. As much of the runoff as possible should be discharged to each hierarchy element before a lower hierarchy element is considered. Collection and infiltration methods of drainage are required to be considered in the first instance;
- (vi) the applicant be advised that soakaways will only be permitted if the applicant can satisfy the authority that permeability tests have been carried out that comply with the requirements of BRE Digest 365 (2016). A feasibility report including test reports and calculations is required which demonstrates that the use of soakaways or other infiltration systems will not adversely affect the development, adjacent land, structures or highways. Soakaways should be designed to a minimum storm return period (RP) of once in ten years (with consideration given to an appropriate factor of safety);
- (vii) the applicant be advised that any proposal to discharge surface/ground water flows to existing watercourses is likely to be limited to minimum rates of discharge which will be determined by this authority. The applicant should indicate how these requirements will be met. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15 (TAN15);
- (viii) the applicant be advised that development layout should be taken into account exceedance of the drainage system by demonstrating safe overland flows paths and flood routing. Runoff for the 1 in 100 RP event (plus climate change allowance) should be managed within the site at designated temporary storage locations and not adversely affect the development or surrounding infrastructure;
- (ix) the applicant be advised to open early dialogue with Dwr Cymru Welsh Water (DCWW) with regards to foul/surface water drainage arrangements, and secure the necessary permissions/adoption agreements, where interaction with DCWW infrastructure is proposed;
- (x) the applicant must ensure that during the development period and thereafter that surface water, groundwater, soil and other site debris is contained and dealt with within the curtilage of the site and is prevented from running on to or being otherwise deposited on adjacent land or highways. This may entail the installation of permanent or temporary cut off drainage;
- (xi) the applicant should also demonstrate that appropriate pollution control measures are in place prior to discharge and confirm the proposals for adoption and long-term maintenance of the drainage system, where appropriate;
- (xii) the applicant be advised that no discharge of surface water from the proposed development including driveways will be permitted to drain to the public highway or any highway drain. If the applicant intends to discharge surface water runoff from new highway areas submitted for adoption to the local highway drainage system he may be required to demonstrate that this system has adequate capacity to deal with anticipated additional flows generated by the proposed development. Permission to discharge to the existing highway drainage system may be conditional on the applicant carrying out upgrading works at their own expense or connecting to a point of adequacy within the system.

9. CODE NO. 17/0431/OUT – LAND ADJACENT TO WOODVIEW, CWMGELLI, BLACKWOOD.

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.

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 of the comments from the Council's Ecologist and the Senior Engineer (Land Drainage);
- (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).

10. CODE NO. 17/0933/NCC – MARLAN DAY CENTRE – CPI CARE LTD, THE WAREHOUSE, CROWN STREET, CRUMLIN, NEWPORT.

S. Cox, a representative of 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 was 1 abstention, 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 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.

11. 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 5:45pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 24th January 2018, they were signed by the Chair.

CHAIR