



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 24TH JANUARY 2018 AT 5:00PM

PRESENT:

Councillor M. Adams - Chair

Councillors:

Mrs E.M. Aldworth, A. Angel, C. Andrews, W. David, M. Davies, B. Miles, J. Ridgewell, J. Taylor, 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), M. Godfrey (Team Leader – Environment Health), C. Boardman (Area Senior Planner), C. Powell (Principal Planner), E. Rowley (Area Senior Manager), M. Davies (Area Principal Planning Officer), A. Pyne (Area Senior Planner), M. Noakes (Senior Engineer, Highway Planning), E. Sullivan (Senior Committee Services Officer) and J. Tyler (Committee Services Administrative Assistant).

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors J. Bevan, J.E. Fussell, R.W Gough, A.G. Higgs, A. Hussey, Mrs G. Oliver, J. Simmonds, and A. Whitcombe.

2. DECLARATIONS OF INTEREST

Declarations of interest were received at the beginning and during the course of the meeting as follows – R. Crane and C. Powell – 17/0651/COU, W. David - 17/0739/FULL and C. Boardman - 17/0981/FULL. Details are minuted with the respective items.

3. MINUTES – 8TH NOVEMBER 2017

RESOLVED that the minutes of the Planning Committee held on the 6th December 2017 (minute nos. 1-8) be approved and signed as a correct record.

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

4. CODE NO. 16/1053/COU – THE ROLLING MILL INN, 88 COMMERCIAL STREET, PONTYMISTER, RISCA, NEWPORT, NP11 6EE.

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, CW3, CW4 and CW5;
- (iii) the applicant be advised of the comments from Dwr Cymru/Welsh Water, Natural Resources Wales, The Senior Engineer (Land Drainage) and The Transportation Engineering Manager.
- (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.

5. CODE NO. 17/0980/FULL – 28 RHODFA GLASCOED, BLACKWOOD, NP12 1GW.

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 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 that 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. 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-influencingdistance-of-mine-entries>.

- (iv) 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 or a similar service provider;
- (v) 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;
- (vi) the applicant be advised that any change in ground levels or raised platform measuring over 0.4 meters in height within the rear garden will require planning approval from the Local Planning Authority and it should be noted that such permission may not be granted;
- (vii) 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);
- (viii) 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.

6. CODE NO. 17/1012/FULL – 18 BRIDGE STREET, RISCA, NEWPORT, NP11 6DE.

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 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 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.

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

7. CODE NO. 17/0739/FULL – RUPERRA CASTLE ESTATE, RUDRY ROAD TO CRAIG LLAN, RUDRY.

It was noted that the application had been subject to a site visit on Monday 22nd January 2018. A briefing note on the issues raised was summarised by the Officer and is appended to these minutes.

Councillor B.A. Jones spoke in objection to the application and Mr H. Alkhafaji, the applicant, spoke in support of the application.

During the course of the meeting Councillor W. David declared an interest in that his son H. David, in his capacity as Assembly Member, had been in discussion with the applicant and left the Chamber when the application was discussed.

Following consideration of the application it was moved and seconded that subject to the additional condition 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 condition this application be granted;

Additional Condition (07)

The development hereby approved shall not be used for any commercial use whatsoever.

Reason: In the interests of highway safety.

- (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: CW4;
- (iii) the applicant be advised of the comments of Senior Engineer (Land Drainage), Public Rights of Way, Natural Resources Wales.

8. CODE NO. 17/0651/COU – SCHOOL HOUSE, HILLSIDE, CAERPHILLY, CF83 1HN.

R. Crane declared an interest (in that his son attends the school) C. Powell also declared an interest (in that his wife is a member of staff at the school) both left the meeting when the application was considered.

Following consideration of the application it was moved and seconded that subject to the inclusion of 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 (05)

Prior to the commencement of the use hereby approved details shall be submitted for the written approval of the Local Planning Authority of parking area(s) together with surfacing details to ensure that loose stones or mud etc. are not carried on to the public highway. The agreed parking area(s) shall be laid out and surfaced in accordance with the agreed details within three months of the details having been agreed in writing by the Local Planning Authority.

Reason: In the interests of Highway Safety.

Additional Condition (06)

Prior to the commencement of the use hereby approved details of boundary enclosures shall be submitted for the written approval of the Local Planning Authority. The agreed boundary enclosures (and any alterations to existing enclosures agreed under the approved details) shall be carried out within three months of the details having been agreed in writing by the Local Planning Authority.

Reason: In the interests of Highway Safety and 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, and CW3;
- (iii) the applicant be advised of the comments of The Council's Ecologist.
- (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.

9. CODE NO. 17/0741/RM – LAND TO THE REAR OF, 20 CHURCH STREET, BEDWAS, CAERPHILLY, CF83 8EB

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 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.

10. CODE NO. 17/0930/LA – CAERPHILLY CONTACT CENTRE, FAMILY CENTRE, CALEDFRYN WAY, PENYRHEOL, CAERPHILLY, CF83 2BW.

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 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. 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-influencingdistance-of-mine-entries>.

- (iii) 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 or a similar service provider;
- (iv) 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;
- (v) the applicant be advised of the comments of The Council's Ecologist, Dwr Cymru and Land Drainage Officer.
- (vi) 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.
- (vii) 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);

11. CODE NO. 17/0981/FULL – BOOT ROAD ALLOTMENT, MAIN ROAD, MAESYCWMER, HENGOED.

C. Boardman declared an interest (in that the applicant is a family member and also a member of the Allotment Association) and left the meeting when the application was considered.

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 CW15.

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 6:27pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 21st February 2018, they were signed by the Chair.

CHAIR