



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 21ST FEBRUARY 2018 AT 5:00PM

PRESENT:

Councillor M. Adams - Chair
Councillor W. David - Vice-Chair

Councillors:

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

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

Together with:

T. Stephens (Interim Chief Planning Officer), R. Crane (Solicitor), M. Noakes (Senior Engineer, Highway Planning), G. Mumford (Senior Environmental Health Officer), C. Powell (Principal Planner), P. Den Brinker (Team Leader, Planning), C. Boardman (Principal Planner), E. Rowley (Senior Planner), A. Wilcox (Senior Planner), M. Davies (Team Leader, Planning), A. Pyne (Senior Planner) and E. Sullivan (Senior Committee Services Officer).

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors J. E. Fussell, A.G. Higgs and B. Miles.

2. DECLARATIONS OF INTEREST

Declarations of interest were received at the start and during the course of the meeting as follows: Councillors Mrs G.D. Oliver (Agenda Item No. 4 – 17/0931/OUT), M. Adams (Agenda Item No. 8 – 17/1072/COU), Mrs E.M. Aldworth (Agenda Item No. 11 – 17/1027/FULL), Mrs E.M. Aldworth, R. Gough and J. Taylor (Agenda Item No. 13 – 17/093/FULL and Agenda item No. 14 – 17/0937/CON) and Mrs M. Davies, Principal Planner (Agenda Item No. 5 – 18/0065/FULL) details are minuted with the respective item.

3. MINUTES – 24TH JANUARY 2018

Councillor W. David as a point of clarification in relation to Minute No. 7 wished it noted that it was only during the applicant's statement to the committee that he became aware that his son, H. David had been in discussions with the applicant in his capacity as Assembly Member and once known had immediately declared the interest and left the Chamber.

It was moved and seconded that subject the aforementioned correction the minutes of the meeting held of the 24th January 2018 be agreed as a correct record and by show of hands this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee held on 24th January 2018 (minute nos. 1-12) be approved and signed as a correct record.

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

4. CODE NO. 17/0931/OUT – LAND AT GRID REF: 311245 205964, FOCHRIW ROAD, PONTLOTTYN, BARGOED.

It was noted that the application had been subject to a site visit on Monday 19th February 2018.

During the course of the debate Councillor Mrs G. Oliver declared an interest in that the applicant had been contact with her in her capacity as Local Ward Member and left the Chamber.

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

RESOLVED that for the reasons given in the Officer's report this application be refused.

5. CODE NO. 18/0065/FULL – 4 PENMAEN ROAD, PONTLLANFRAITH, BLACKWOOD, NP12 2DL.

Mrs M. Davies (Principal Planner) declared an interest in that an objector to the application is known to her and left the Chamber when the application was discussed.

Mrs John-Legg spoken in objection to the application, the applicant who had been advised did not speak.

It was noted that the application had been subject to a site visit on Monday 19th February 2018.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's 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 policy of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 is relevant to the conditions of this permission: CW2;
- (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 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).
- (v) 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.

6. CODE NO. 17/1092/FULL – NEW INN, VICTORIA ROAD, FLEUR-DE-LIS, BLACKWOOD, NP12 3UP.

Mr J. Dunston spoke in objection to the application, the applicant who had been advised did and was present did not speak.

Following consideration the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands and in noting there was 1 against and 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 approved;
- (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 this permission: CW2;
- (iii) the applicant be advised 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>

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.

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.

- (iv) the applicant be advised that any 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.
- (v) The applicant be advised of the comments of Dwr Cymru / Welsh Water.

7. CODE NO. 17/1001/RET – GLENTWORTH, 11 FOCHRIW ROAD, PONTLOTTYN, BARGOED, CF81 9QH.

It was noted that the application had been subject to a site visit on Monday 19th February 2018.

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

RESOLVED that: -

- (i) 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 this 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.

8. CODE NO. 17/1072/COU – PARK VILLAS, PARK ROAD, BARGOED, CF81 8SP.

It was noted that the application had been subject to a site visit on Monday 19th February 2018.

Councillor M. Adams declared an interest in that he had previous contact with the provider organisation and left the Chamber when the application was discussed.

Councillor Mrs C. Andrews declared an interest in that having been asked to represent residents in objection to the applicant she had a closed mind but would address the committee as the Local Ward Member and would leave the Chamber immediately after giving her statement.

Mr B. Wright and Councillor C. Andrews spoke on behalf of residents in objection to the application and Ms F. Beecher 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.

An amendment was moved and seconded that the application be deferred to allow further consultation to take place before finally considering the application and by show of hands and in noting there were 3 against the amendment was declared carried.

RESOLVED that the application be deferred to allow further consultation to take place.

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

9. CODE NO. 17/0473/FULL – FORMER CAERPHILLY POLICE STATION, MOUNTAIN ROAD, CAERPHILLY.

Mr D. Williams, the applicant's agent spoke in support of the application.

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

RESOLVED that for the reasons given in the Officer's report this application be refused.

10. CODE NO. 17/0966/FULL – THE DE-WINTON, DE WINTON TERRACE, LLANBRADACH, CAERPHILLY, CF83 3JY.

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

RESOLVED that: -

- (i) the application be deferred to allow the applicants to enter into a Section 106 Obligation to provide 40% provision of units as Affordable Housing;
- (ii) on completion of the Section 106 Obligation and subject to the conditions contained within the Officer's report this application be granted;
- (iii) 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;
- (iv) the applicant be advised of the advice from Dwr Cymru/Welsh Water, Wales and West Utilities, the Council's Head of Public Services, the Senior Engineer (Land Drainage) and the Council's Ecologist;
- (v) the applicant be advised that they will be required to enter into a formal highway agreement with the Highway Authority in order to undertake the road works on the public highway.

11. CODE NO. 17/1027/FULL – CAERPHILLY MAGISTRATES COURT, MOUNTAIN ROAD, CAERPHILLY, CF83 1HG.

During the course of debate Councillor Mrs E.M. Aldworth declared an interest in that a neighbouring resident in objection to the application was known to her and left the Chamber.

It was noted that the above application had been subject to a site visit on Monday 19th February 2018.

Mr D. Finlayson and Councillor C. Elsbury spoke on behalf of local residents in objection to the application and Mr M. Southall the applicant's agent spoke in support of the application.

It was moved and seconded that the recommendation contained within the Officer's report be approved, subject to the inclusion of an additional condition in relation to traffic management.

An amendment was moved and seconded that a further additional condition in relation to more substantial screening/mature planting be attached to this permission and by a show of hands and in noting there were 2 against and 1 abstention this was agreed by the majority present.

RESOLVED that: -

- (i) the application be deferred to allow the applicants to enter into a Section 106 Obligation to provide 40% provision of Affordable Housing and a contribution of £15,600 towards enhancing transport provision of a demand responsive minibus service three days a week;
- (ii) on completion of the Section 106 Obligation and subject to the aforementioned additional and amended conditions and the conditions contained within

Officer's report this application be granted;

Additional Condition (17)

Notwithstanding the submitted plans no construction 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 existing entrance for use 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 interests of highway safety.

Additional Condition (18)

Prior to the commencement of any construction works or development, a specification of all proposed tree planting shall be submitted to and agreed in writing by the Local Planning Authority. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with that specification and in accordance with BS3936 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).

Reason: In the interests of visual amenity.

- (iii) 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.

12. CODE NO. 17/1076/FULL – LAND REAR OF ROYAL OAK INN, CHURCH STREET, BEDWAS, CAERPHILLY, CF83 8EA.

Following consideration of the application it was moved and seconded that the recommendation contained within the Officer's 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 of the comments of the Senior Engineer (Land Drainage) and Dwr Cymru/Welsh Water;
- (iv) the applicant be advised that rainwater run-off should not discharge into the highway surface-water drainage system;

- (v) the applicant be reminded that it is an offence to obstruct a public right of way. The 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.

13. CODE NO. 17/0936/FULL – FORMER CHURCH HALL, CHURCH STREET, LLANBRADACH, CAERPHILLY.

Councillors Mrs E.M. Aldworth, R.W. Gough and J. Taylor declared an interest in that they are registered users of the GP Surgery that would be operating within the proposed development. Councillors Mrs E.M Aldworth and J. Taylor left the Chamber when the application was discussed. Councillor R.W. Gough addressed the committee as the Local Ward Member and left the Chamber after making his statement.

Following consideration of the application it was moved and seconded that the recommendation contained within the Officer's report be approved.

RESOLVED that:-

- (i) subject to the conditions contained within the Officer's report this application be granted;
- (ii) the applicant be advised of the comments of The Senior Engineer (Land Drainage);
- (iii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and CW4;
- (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;
- (v) 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;
- (vi) 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);

- (vii) 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 stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.

14. CODE NO. 17/0937/CON – FORMER CHURCH HALL, CHURCH STREET, LLANBRADACH, CAERPHILLY.

Councillors Mrs E.M. Aldworth, R.W. Gough and J. Taylor sought legal advice with regard to a possible interest and following advice declared an interest in that they are registered users of the GP Surgery that would be operating within the proposed development. Councillors Mrs E.M Aldworth and J. Taylor left the Chamber when the application was discussed. Councillor R.W. Gough addressed the committee as the Local Ward Member and left the Chamber immediately following the statement.

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

RESOLVED that: -

- (i) subject to the conditions contained within the Officer's report this application be granted;
- (ii) 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.

15. 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 8.00pm.

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

CHAIR