



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 12TH SEPTEMBER 2018 AT 5:00PM

PRESENT:

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

Councillors:

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

Together with:

R. Kyte (Head of Regeneration and Planning), R. Crane (Solicitor), M. Noakes (Senior Engineer, Highway Planning), G. Mumford (Environmental Health Officer), C. Boardman (Principal Planner), R. Amundson (Principal Planner), M. Davies (Team Leader South), A. Pyne (Senior Planner) and K. Houghton (Committee Services Officer).

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors J. Bevan, M. Davies, A.G. Higgs, Mrs G.D. Oliver and J. Taylor.

2. DECLARATIONS OF INTEREST

Declarations of interest were received at the start of the meeting as follows: Councillors W. David and B. Miles (Agenda item 4 – 18/0084/RET) and Mr C. Boardman (Agenda Item No. 7 - 18/0668/FULL). Details are minuted with the respective items.

3. MINUTES – 15TH AUGUST 2018

It was moved and seconded that the minutes of the meeting held on the 15th August 2018 be agreed as a correct record and by a show of hands this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee held on 15th August 2018 (minute nos. 1-16) be approved and signed as a correct record.

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

4. PREFACE ITEM CODE NO. 18/0084/RET – GELLIARGWELLT UCHAF FARM, GELLIGAER ROAD, GELLIGAER, CF82 8FY

Councillor B. Miles declared a personal and prejudicial interest in that Hanson Aggregates Ltd, a company identified as a main competitor by Bryn Recycling Ltd (the applicant), are a tenant on land owned by a family member and she left the Chamber while the application was discussed.

Councillor W. David declared a personal and prejudicial interest in that a complaint had been made against him by the applicant, he had also addressed a public meeting in relation to the application site and discussed this matter with individual local residents and therefore had pre-determined on this application and he left the Chamber while the application was discussed.

Following consideration of the application it was moved and seconded that the recommendation contained within the Officer's original report be approved and by a show of hands and in noting there were 6 against and 2 abstentions this motion was declared lost.

A further motion was moved and seconded that the application be refused for the reason as set out in the Officer's preface report and by a show of hands and in noting there was 4 against and 2 abstentions this was agreed by the majority present.

RESOLVED that for the reason as set out in the Officer's preface report this application was refused

5. PREFACE ITEM CODE NO. 17/0864/FULL – LAND AT DURISOL UK, UNIT 4, PARKWAY, PEN-Y-FAN INDUSTRIAL ESTATE, NP11 3EF

Following consideration of the application it was moved and seconded that the application be refused for the reasons as set out in the Officer's preface report and by a show of hands and in noting there was 3 against and 1 abstention this was agreed by the majority present.

RESOLVED that for the reasons as set out in the Officer's preface report this application was refused.

6. CODE NO. 17/0706/COU – 32 DERI ROAD, ABRGOED, CF81 9GJ

Councillor D. Hardacre spoke in objection of the application.

It was noted that a site visit took place on Monday 10th September 2018.

The Principal Planning Officer informed the Committee that Condition 2 as set out in the Officer's report had been amended to read;

'Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include details of a bright, reflective colour scheme on the north facing elevation facing No. 31 New Road. The development shall be carried out in accordance with the approved details.'

REASON: In the interests of the visual amenity of the area

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 and in noting there was 0 against and 2 abstentions this was agreed by the majority present.

RESOLVED that: -

- (i) Subject to the conditions contained within the Officer's original report this application be granted.
- (ii) The applicant be advised of the following policies of the Caerphilly Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: Policy CW2 and CW3

7. CODE NO. 18/0668/FULL – MEADOW SIDE, WINDY RIDGE, POLLANFRAITH, BLACKWOOD, NP12 2DR

Mr C. Boardman declared a personal and prejudicial interest in that the applicant is a family friend and he left the Chamber while 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 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 is advised of the following policies of the Caerphilly Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2 and CW7.
- (iii) The applicant is advised that many species of bat depend on buildings for roosting, with each having its own 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. Bat 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 of 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

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

8. CODE NO. 18/0671/FULL – 13 LON FAWR, CAERPHILLY, CF83 1DA

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 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

- (iii) The applicant is advised of the following policies of the Caerphilly Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: SP6 and CW3.
- (iv) The applicant is advised that many species of bat depend on buildings for roosting, with each having its own 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. Bat 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.

9. CODE NO. 18/0635/FULL – MYNYDD DIMLAETH HOUSE, PANDY-MAWR ROAD, BEDWAS, CF83 8EQ

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 within 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 circumstances where this is unavoidable, expert advice must be sought to ensure that a suitable 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>

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 and 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

- (iii) The applicant is advised of the comments attached to the Officer's report, from the Council's Ecologist.
- (iv) The applicant is reminded that it is an offence to obstruct a Public Right of Way. There are Public Rights of Way's in the area of this application. The planning permission does not authorise the stopping up or diversion of the Right of Way. The 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 Right of Way is obstructed before the development is carried out, the Order cannot proceed until the obstruction is removed. The applicant is advised to contact the Countryside and Rights of Way Team on 01443 866669 if they need clarification in this regard.

10-13. 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 18.28pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 10th October 2018, they were signed by the Chair.

CHAIR