



## **PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 20TH FEBRUARY 2019 AT 5:00PM**

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#### **PRESENT:**

Councillor M. Adams - Chair  
Councillor A. Whitcombe - Vice-Chair

#### **Councillors:**

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

E. Stenner – Cabinet Member for Environment and Public Protection

#### **Together with:**

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

#### **1. APOLOGIES FOR ABSENCE**

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

#### **2. DECLARATIONS OF INTEREST**

Declarations of interest were received at the start of the meeting as follows: Councillor B. Miles (Item 5 – 19/0011/FULL) and Councillors E. Aldworth, J. Taylor and J. Simmonds (Agenda item 10 – 18/1062/FULL). Details are minuted with the respective item.

#### **3. MINUTES – 23RD JANUARY 2019**

It was moved and seconded that the minutes of the meeting held on the 23rd January 2019 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 23rd January 2019 (minute nos. 1-15) be approved and signed as a correct record.

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

**4. CODE NO. 18/1082/FULL – GELLIARGWELT UCHAF FARM, GELLIGAER ROAD, GELLIGAER, HENGOED, CF82 8FY**

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 in the Officer's report, this application be granted.
- (ii) The applicant be advised of the comments (attached to the Officer's report) of Dwr Cymru/Welsh Water.
- (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 Amenity, CW4 Natural heritage protection, CW15 Locational constraints, CW22 Mineral safeguarding.
- (iv) 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.

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.

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/coalauthority](http://www.gov.uk/coalauthority).

**5. CODE NO. 19/0011/FULL – GELLIARGWELT UCHAF FARM, GELLIGAER ROAD, GELLIGAER, HENGOED, 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.

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 1 abstention, this was agreed by the majority present.

RESOLVED that: -

- (i) Subject to the conditions in the Officer's report, this application be granted.
- (ii) The applicant be advised of the comments (attached to the Officer's report) of South Wales Fire and Rescue Service and of Dwr Cymru/Welsh Water.
- (iii) The applicant be advised of 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, CW4M CW15, CW22 and CW23.
- (i) It be recommended to the applicant 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).
- (ii) The applicant be advised that 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:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-ofmine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-ofmine-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](http://www.groundstability.com) or a similar service provider.

If any 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)

**6. CODE NO. 18/0946/COU - 73 COMMERCIAL STREET, PONTYMISTER, RISCA, NEWPORT, NP11 6AW**

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 in the Officer's report, this application be granted.
- (ii) The applicant be advised of 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: SP6 and CW2.

**7. CODE NO. 19/0012/FULL - 44 PENYLAN ROAD, ARGOED, BLACKWOOD, NP12 0AY**

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 in the Officer's report, this application be granted.
- (ii) The applicant be advised of 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 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)

- (iv) The applicant be advised of the comments (attached to the Officer's report) of Dwr Cymru/Welsh Water.

**8. CODE NO. 18/1059/NCC – LAND AT GELLI FARM, TREDEGAR ROAD, CWMGELLI, BLACKWOOD**

Councillor N. Dix spoke in objection and Ms L. Harry (the applicant's agent) spoke in support of the application.

The Principal Planning Officer (Team Leader South) informed the Committee that Condition 3 had been amended.

It was moved and seconded that Condition 2 be amended to bring forward the expiration date for the submission of an Application for approval of the reserved matters to the Local Planning Authority. By a show of hands and in noting there were 6 against and 1 abstention this was agreed by the majority present.

Following consideration of the application it was moved and seconded that subject to the aforementioned amendment, the recommendation contained in the Officer's report be approved and by a show of hands and in noting there was 2 against and 1 abstention, this was agreed by the majority present.

RESOLVED that: -

- (i) This application be (A) deferred to allow the applicant to vary the Section 106 Agreement as set out in the Officer's report and on completion of the Agreement (B) that subject to the amendments to Condition 2 and 3, and the conditions within the Officer's report, this application be granted.

**Amended Condition (2)**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of eighteen months from the date of this permission.

**Reason:**

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

**Amended Condition (3)**

The development hereby permitted shall be begun either before the expiration of two years and six months from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**Reason:**

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (ii) The applicant be advised of 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: SP6, CW2, CW3.
- (iii) The applicant be advised of the comments (attached to the Officer's report) of the Council's Rights of Wat Officer, Dwr Cymru/Welsh Water and Natural Resources Wales.

**9. CODE NO. 18/1073/FULL – LAND AT GRID REF 315985 196189, HAWTIN PARK, GELLI-HAF, PONTLLANFRAITH**

The Principal Planning Officer (Area South Leader) informed the Committee that Condition 10 as set out in in the Officer's report had been amended.

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 aforementioned amended Condition 10 and the conditions in the Officer's report, this application be granted.

**Amended Condition 10**

The development hereby approved shall be carried out in accordance with the following approved plans and documents:

Drawings:

491-P-e\_F1 A P 01 Site Plan

491-P-e\_F1 A 0 01 Functional Plan

491-P-e\_F1 A 1 01 Sections and Elevations

491-P-e\_F1 EG R 01 Drawing List

8294-101 Topographical Survey

8294-100 rev.2 Location Map

Ecological Phase 1 habitat survey prepared by David Elements – DCE1036:SEDA 4 V1

Site Investigation by Earth Science Partnership – ESP 7004b.02.3089 Rev1

Transport Assessment and Travel Plan by Corun

Tree Report and plan by ArbTS\_SEDA

Noise Impact Assessment by Acoustic Consultants Ltd – Ref: 7305/SL

Planting plan ref: 422.02.B received 7/2/19

Management plan ref: 422.03.A received 3/2/19

**Reason**

To ensure that the development is carried out only as approved by the Local Planning Authority.

- (ii) The applicant be advised that 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.
- (iii) 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).

- (iv) The applicant be advised of the comments (attached to the Officer's report) of Western Power Distribution, Dwr Cymru/Welsh Water, Public Right of Way and the Landscape Architect Officer.

**10. CODE NO. 18/1062/FULL – LAND SOUTH OF GLANBRYNNAR FARM, PONTLLANFRAITH, BLACKWOOD, NP12 2AS**

Councillors E. Aldworth declared a personal and prejudicial interest in that a family member works for a funeral services firm in Caerphilly and may use the proposed facility for business purposes and she left the Chamber while the application was discussed.

Councillor J. Taylor and J. Simmonds declared a personal and prejudicial interest in that they both represent Caerphilly County Borough Council on the Greater Gwent Cremation Joint Committee and they left the Chamber while the application was discussed.

Mr B. Davies (the applicant's agent) spoke in support of the application.

The Development Control Manager informed the Committee that Conditions 3 and 5 had been amended and there were 11 additional Conditions.

Following consideration of the application it was moved and seconded that subject to agreement on a detailed junction scheme, the recommendation contained in the Officer's report be approved and by a show of hands and in noting there was 0 against and 1 abstention, this was agreed by the majority present.

RESOLVED that: -

- (i) the application be (A) deferred to allow further discussion with the applicant to agree on a detailed junction scheme and on completion of an agreement that (B) subject to the amendments to Condition 3 and 5, additional Conditions and the conditions within the Officer's report, this application be granted.

**Amended Condition 3:**

The development shall be carried out in accordance with the following approved plans and documents unless amended in accordance with any conditions attached to this consent:

Location plan BWD01\_P(0)000 Rev B;  
Site roof plan BWD01\_P(0)002 Rev B;  
Site area plan BWD\_P(0)003 Rev D ;  
Ground floor and surrounds proposed BWD01\_P(0)005 Rev B;  
Path finishes and lighting BWD01\_P(0)007 Rev B;  
Ground floor plan BWD01\_P(0)010 Rev D;  
Roof plan BWD01\_P(0)011 Rev B;  
North and East Elevations BWD01\_P(0)015 Rev C;  
South and west elevations BWD01\_P(0)016 Rev C;  
Sections AA and BB BWD01\_P(0)019 Rev B;  
Sections CC, DD, EE, and FF BWD01\_P(0)020 Rev B;  
Floral tribute plan an elevation BWD01\_P(0)022 Rev A;  
Floral tribute details BWD01\_P(0)023 Rev A;  
Water feature BWD01\_P(0)025 Rev A;  
Entrance gates and signs BWD01\_P(0)026;  
Gas compound BWD01\_P(0)024;  
Artist's impression and materials palette BWD01\_P(0)030 Rev A;  
Illustrative Landscape Master Plan 18-45-PL-201;

Tree Protection Plan RSE\_1732\_TPP V3;  
Construction & Ecological Management Plan (December 2018) RSE\_1732\_03-V2;  
Flood Consequences Assessment & Surface Water Drainage Strategy (SLR Ref: 402.02845.00034 Version No: Issue 3 December 2018);  
Noise Impact Assessment REC REFERENCE: AC105931-1R3 (11<sup>TH</sup> DECEMBER 2018);  
Ecological Appraisal (December 2018) RSE\_1732\_01\_V3;  
Ground Investigation Report (SLR Ref: 402.02845.00032);  
Landscape and Ecological Management Plan (December 2018) (TRP reference 18-45 R01);  
Coal Mining Risk Assessment Report SLR Ref: 402.02845.00034\_v01 (December 2018).

**Reason:**

To ensure that the development is carried out only as approved by the Local Planning Authority.

**Amended Condition 5:**

Prior to the occupation of the development hereby approved a scheme of land and surface water drainage within the site shall be installed in accordance with the details submitted with the application subject of this consent, as amended by the email of 28 January 2018 from SLR consulting to Caerphilly County Borough Council titled '190128 Blackwood Crematorium'.

**Reason:**

To ensure the development is served by an appropriate means of drainage.

**Additional Condition 9:**

The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:**

To ensure that breeding birds are protected. All British birds, 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.

**Additional Condition 10:**

If mature trees originally identified to be retained require felling or tree management work as part of the development hereby approved, a climbing inspection for bats shall be carried out before such works take place, and the results of the survey, together with details of any proposed mitigation measures shall be submitted for the approval of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved measures.

**Reason:**



To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.

**Additional Condition 11**

The development hereby approved shall be carried out in accordance with the Recommendations made for Reptiles in 4.3.4 of the CEMP dated December 2018; prepared by Ramm Sanderson; unless otherwise agreed in writing by the Local Planning Authority.

**Reason:**

To ensure adequate protection and mitigation for protected species.

**Additional Condition 12**

Prior to the installation of any lighting at the development hereby approved, details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

**Reason:**

To ensure adequate protection to protected species.

**Additional Condition 13**

If perimeter scrub, hedgerow and woodland originally identified to be retained require felling or management work as part of the development hereby approved, an inspection for dormouse shall be carried out before such works take place, and the results of the survey, together with details of any proposed mitigation measures shall be submitted for the approval of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved measures.

**Reason:**

To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.

**Additional Condition 14**

The development hereby approved shall be carried out in accordance with the Recommendations made for Badger and other notable mammals in Section 6; of the Ecological Appraisal Report dated December 2018; prepared by Ramm Sanderson; unless otherwise agreed in writing by the Local Planning Authority.

**Reason:**

To ensure adequate protection and mitigation for protected species.

**Additional Condition 15**

Prior to the commencement of any works associated with the development a fenced off buffer strip between the development and the stream during the construction works shall be created. The fenced buffer strip shall be retained until the development works are completed.

**Reason:**

To ensure adequate protection to habitats, in the interests of biodiversity.

**Additional Condition 16**

The existing junction access onto the A4048 shall be improved in a manner to be agreed in writing with the local planning authority before any works commence and be completed in materials as approved by the local planning authority before the development hereby approved is first occupied.

**Reason:**

In the interest of highway safety.

**Additional Condition 17**

Prior to the occupation of the development hereby approved, the private access road into the development shall be installed in accordance with engineering details that shall have been submitted to and approved in writing by the LPA.

**Reason:**

In the interest of highway safety.

**Additional Condition 18**

The development hereby approved shall not be occupied until the area indicated for the parking of vehicles has been laid out and constructed in accordance with drawing number 3063.06 X and that area shall not thereafter be used for any purpose other than the parking of vehicles associated with the crematorium facility.

**Reason:**

To ensure the provision of adequate parking at the development.

**Additional Condition 19**

Prior to the commencement of works on site a scheme to prevent mud and other debris being deposited on the public highway shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the agreed scheme. No surface water from the development shall discharge onto the A4048 Sirhowy Enterprise Way or into the highway surface water system.

**Reason:**

In the interest of highway safety.

- (ii) The applicant be advised of the following policies of the adopted Caerphilly County Borough Local Development Plan up to 2021 – Adopted 2010 are relevant to the conditions attached to this consent: CW2, CW3, CW4 and SP10.

**11. CODE NO. 18/0912/RM – LAND AT GRID REF 314117 193622, TROEDYRHIW, YSTRAD MYNACH**

Councillor M. James spoke in objection and Mr B. Davies (the applicant's agent) spoke in support of the objection.

The Senior Planning Officer informed the Committee that since the writing of the Officer's report an amended Proposed Site Block Plan had been submitted which if agreed by the Committee would result in the removal of Condition 10 and a minor amendment to Condition 2 as set out in the Officer's report.

He also informed the Committee that Conditions 3 as set out in the Officer's report had been amended and three Conditions and an informative note had been added.

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 removal of Condition 10, amended Condition 2 and 3, the additional conditions, additional informative note and the Condition in the Officer's report, this application be granted.

**Amended Condition 2**

The development shall be carried out in accordance with the following approved plans and documents:

- Site Location Plan, drawing reference 5430.02B received 19.10.18;
- Proposed Site Block Plan, drawing reference 5430.01U, received 15.02.19;
- Proposed Floorplans (Plots 1 and 2), drawing reference 5430.03, received 19.10.18;
- Proposed Elevations (Plots 1 and 2), drawing reference 5430.04, received 19.10.18;
- Proposed Elevations (Plots 3-8), drawing reference 5430.06A, received 19.10.18;
- Proposed Floorplans (Plots 3-8), drawing reference 5430.05B, received 07.01.19
- Proposed Landscaping Works, drawing reference 5430.07, received 19.10.18;
- Terra Firma Geotechnical and Geoenvironmental Report, reference 14377, dated April 2018.

**Reason**

To ensure that the development is carried out only as approved by the Local Planning Authority.

**Amended Condition 3**

Notwithstanding the approved plans prior to the beneficial occupation of the dwellings located on plots 3-9 (inclusive), three off-street parking spaces shall be provided within the curtilage of the each of those dwellings in accordance with a scheme to be first agreed in writing with the Local Planning Authority. Following their provisions those parking spaces shall be maintained thereafter free obstruction for the parking of motor vehicles only.

**Reason**

In the interests of highway safety.

**Additional Condition A**

The rear amenity areas of the dwellings on Plots 1 to 9 (inclusive) as detailed on the Ferrier Hart Thomas drawing reference 5430.01U (revision U) do not extend to the sloping land which lies to the east and south of the proposed 1.8m feather edge boarded timber fence shown on the drawing reference above.

**Reason**

To define the scope of the permission.

**Additional Condition B**

A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the dwellings on the site. The landscaping is maintained in the interests of the visual amenity of the area.

**Reason**

To ensure that the landscaping is maintained in the interests of the visual amenity of the area.

**Additional Conditional C**

Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out on accordance with the approved details.

**Reason**

In the interests of the visual amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

**Additional Informative Note**

The developer is reminded of their responsibilities under the Wildlife And Countryside Act 1981 (as amended), The Environmental Protection Act 1990 and the Environmental Permitting Regulations 2010 in respect of Japanese Knotweed. The eastern and southern boundaries of the site have been previously treated for the presence of Knotweed. For further information and advice please contact the Council's Invasive Plant Species Officer on 01443 838632.

- (ii) The applicant be advised of the comments (attached to the Officer's report) of Dwr Cymru/Welsh Water and the Council's Ecologist.
- (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 in 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)

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

### **12. PREFACE ITEM CODE NO. P/06/0037 – WATERLOO WORKS, MACHEN**

Mr P. Williams (the applicant agent) spoke in support of the application.

The Development Control Manager advised Members that the Officer's recommendation as set out in the Officer's report has been revised as follows;

'Planning permission be deferred to allow the Development Control Manager to advise the applicant to withdraw the application by the end of March 2019 or the Officer's recommendation to refuse will be put to the Planning Committee at the 17th April 2019 meeting.'

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

RESOLVED that planning permission be deferred to allow the Development Control Manager to advise the applicant to withdraw the application or the Officer's recommendation to refuse will be put to the Planning Committee at the 17th April 2019 meeting.

### **13. CODE NO. 18/0894/FULL – 57 ST TELIO'S WAY, WATFORD, CAERPHILLY, CF83 1FA**

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 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>

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.

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).

- (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 Please 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 applicant be advised of the comments (attached to the Officers report) of the Council's Ecologist.

**14. CODE NO. 18/1017/COU – TRADE SALES SOUTH WALES, NEWPORT ROAD, TRETHOMAS, CAERPHILLY, CF83 8BY**

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 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 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 (attached to the Officer's report) of Dwr Cymru/Welsh Water.

**15. CODE NO. 18/1067/FULL – UNIT 6, GALLAGHER RETAIL PARK, PARC PONTYPANDY, CAERPHILLY, CF83 3GX**

Councillors J. Pritchard and P. Bevan spoke in objection to the application.

The Principal Planning Officer informed the Committee that Condition 4 as set out in the Officer's report had been amended.

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 aforementioned amendment to Condition 4 and the conditions in the Officer's report, this application be granted.

**Amended Condition 4**

No part of the buildings shall be occupied until a scheme had been submitted to and approved in writing by the Local Planning Authority for the control of noise from deliveries, including the proposed times for those deliveries, and the nature of reversing alarms. 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.

- (ii) The applicant be advised of 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 (attached to the Officer's report) of the Council's Rights of Way Officer, Public Health and Protection Officer, Land Drainage Officer and Natural Resources Wales.
- (iv) 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>

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.

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).



**16. CODE NO. 18/1068/ADV - UNIT 6, GALLAGHER RETAIL PARK, PARC PONTYPANDY, CAERPHILLY, CF83 3GX**

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 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>

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.

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).

## **17-20. 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.

In reference to Application 18/0323/FULL, A Member sought clarification on the nature of the additional information that Planning Officers were awaiting. The Development Control Manager advised Members that it was in relation to new information received from Welsh Government which had issued a list of additional questions to ask applicants when the application was a Gypsy/Traveller site. He agreed to send the list to Planning Committee Members for their reference.

The meeting closed at 19.43pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 20th March 2019, they were signed by the Chair.

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CHAIR