



## **PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 6TH NOVEMBER 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, A. Angel, M. Davies, J.E. Fussell, R.W. Gough, A. Hussey, B. Miles, J. Ridgewell, J. Taylor, R. Whiting and T.J. Williams.

#### **Together with:**

T. Stephens (Planning Services Manager), R. Kyte (Head of Regeneration and Planning), R. Crane (Solicitor), M. Noakes (Senior Engineer, Highway Planning), L. Cooper (Engineer, Highways), M. Godfrey (Senior Environmental Health Officer), C. Powell (Principal Planner), E. Rowley (Senior Planner), A. Pyne (Senior Planner) V. Morgan (Principal Planner) and E. Sullivan (Senior Committee Services Officer).

#### **And:**

Councillor E. Stenner – Cabinet Member for Planning and Regeneration

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

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

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

A declaration of interest was received at the start of the meeting from Councillor J.E. Fussell in relation to Agenda Item No.9 – Code No. 19/0694/FULL. Details are minuted with the respective item.

#### **3. MINUTES – 9TH OCTOBER 2019**

It was moved and seconded that the minutes of the meeting held on the 9th October 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 9th October 2019 (minute nos. 1-16) be approved and signed as a correct record.

## **PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT**

### **4. ITEM CODE NO. 19/0010/FULL – FORMER PONTYMISTER SERVICE STATION, NEWPORT ROAD, PONTYMISTER.**

It was noted that in order to allow further discussion with the applicant in relation to Section 106 Agreement matters the above application had been withdrawn from the Committee.

### **5. CODE NO. 19/0432/FULL – FWRRWM ISHTA HOUSE, 68 COMMERCIAL ROAD, MACHEN, CAERPHILLY.**

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 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 of the comments of Natural Resources Wales, Dwr Cymru/Welsh Water and Senior Engineer (Land Drainage).

(iv) The applicant be advised of the follow:

Warning: A European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at

<https://naturalresources.wales/permits-and-permissions/protected-specieslicensing/european-protected-species-licensing/information-on-european-protectedspecies-licensing/?lang=en>.

## **6. CODE NO. 19/0573/FULL – PENDARREN COURT, PENDARREN ROAD, ABERBEEG**

It was noted that the application had been subject to a Planning Committee Site Visit which had been held on Monday 4th November 2019.

Following consideration of the application it was moved and seconded that subject to the inclusion of an additional condition in relation to noise and dust management during the construction process and an amendment to the condition in relation to the colour of the render to be used 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 and the following additional and amended conditions this application be granted;

Amended Condition (10)

Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, including the colour of the proposed render, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In the interests of the visual amenity of the area

Additional Condition (14)

Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.

Reason

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

Additional Condition (15)

Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.

Reason

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

- (ii) the applicant be advised of the following: -

WARNING: SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)

Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

- (iii) the applicant be advised of the comments of the Conservation & Design Officer, Dwr Cymru/Welsh Water, Landscape Architect, Senior Engineer (Land Drainage) and 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](http://www.gov.uk/government/organisations/the-coal-authority).

**7. CODE NO. 19/0578/FULL – LAND AT GRID REF. 314730 TO 200239, UPPER NORTH ROAD, BARGOED**

Mr S. Waldron the applicant's agent spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to the inclusion of an additional condition in relation to the maintenance of privacy screening 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 and the following additional condition this application be granted;

Additional Condition (11)

The proposed privacy screen as shown on the approved plans shall be erected prior to first use of the roof terrace area hereby approved. Thereafter, the privacy screen shall remain in place for the lifetime of the development.

Reason

To prevent a loss of privacy amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- (ii) the application 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).

- (iii) the applicant be advised of the following: -

**WARNING: SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.**

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water.

Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

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Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

**8. CODE NO. 19/0781/RET – 40 JAMES STREET, MARKHAM, BLACKWOOD.**

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 condition 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 2019 is relevant to the conditions of this permission: CW2;
- (iii) the applicant be advised the proposed development lies within a coal mining area which may contain unrecorded coal mining 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).

**9. CODE NO. 19/0694/FULL – LAND AT 94-96 HIGH STREET, BLACKWOOD**

Councillor J.E. Fussell declared a personal and prejudicial interest as the applicant is known to him and left the Chamber when 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 1 against, 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 of the following: -

**WARNING: SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.**

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)

Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

**10. CODE NO. 19/0729/LA – TY ISAF, CAERPHILLY ROAD, YSTRAD MYNACH, HENGOED.**

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 of the following: -

WARNING: SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)  
Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

- (iii) the applicant be advised of the comments of Network Rail, Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage) and Rights of Way Officer;
- (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](http://www.gov.uk/government/organisations/the-coal-authority).

In order to widen the existing dropped vehicular access as shown on the submitted plans, the constructional details must be agreed with the Highway Authority. The applicant should ring (01443) 863112 in this regard. Should the applicant wish to undertake the work themselves, or employ a private contractor, a Licence to Excavate the Highway will be required. This licence will not be required if the work is undertaken by the Council's Network Contracting Services. It should be noted that any unlicensed work in, or disturbance of, the highway is an offence under the Highways Act 1980 and in such circumstances legal action may be undertaken in order to rectify matters.

## **11. WELSH GOVERNMENT CONSULTATION ON THE DELIVERY OF HOUSING THROUGH THE PLANNING SYSTEM**

Consideration was given to the report that provided information on the content of the recent Welsh Government consultation on the Delivery of Housing through the Planning System and sought Members views as part of the consultation process.

Members were referred to Appendix 1 of the Officer's report which detailed the draft consultation response.

The key changes to the document proposed were the removal of the requirement on Planning Policy Wales for local planning authorities to provide a five-year supply of land for housing, the revocation of TAN1 in its entirety and to replace the monitoring of housing land supply by the monitoring of housing delivery based LDP housing trajectory, to be reported through the AMR. Members were advised that the response deadline was the 20th November 2019.

Officer's outlined their main areas of concern in relation to TAN1 and housing trajectories, it was noted that at the time the current LDP was adopted there was no requirement of local authorities to include trajectories and so Caerphilly has no trajectory against which to assess housing delivery. Therefore there were significant concerns regarding the uncertainty that this would cause and the potential impact on housebuilding.

Members expressed their full support for the abolition of the 5 Year Housing Supply Requirement as they felt it would be beneficial in reducing the number of speculative applications on Greenfield sites. In relation to the revocation of TAN1 Members also felt that this would be a positive step forward and did not share Officer's opinion that it should be retained as the policy vacuum created by its removal would deter Developers coming forward.

At this point in the debate it was moved and seconded that the Officers response in relation to the abolition of the 5 Year Supply be to strongly agree. The response in relation to the revocation of TAN 1 also be amended to strongly agree with its removal.

Officers clarified their concerns in relation to the removal of TAN1 as it would impact not just speculative applications but might deter Developers from looking at other unallocated sites and advised caution in relation to any actions that had the potential to deter new housing. Members were advised that Caerphilly was well below its building targets and the negative impact that uncertainty had on the development industry was outlined. The Head of Planning and Regeneration advised that removing TAN1 at this juncture would negatively affect CCBC more than other Planning Authorities particularly as it is moving toward the end of its current Local Development Plan.

Members did not feel that the removal of TAN1 would be a deterrent to the development industry and there was concern about the number of applications being granted via the Appeal process. Members continued to be of the opinion that they would welcome the removal of TAN1 and would as a Committee continue to look at each application as it comes forward on its individual merits.

The Development Control Manager confirmed that until it was reviewed in 2015, TAN1 provided a more nuanced way of assessing housing need, as it allowed for a variety of different methodologies to be utilised and assured Members that there was merit in retaining a modified version rather than its total removal.

Members referred to the low number of house building previously referred to and commented on the fact that 3 major developments had recently been approved for approximately 600 houses, the fact that developers were sitting on these approvals until it was more financial prudent to build was beyond the influence of this Planning Authority and the Planning Committee. The Head of Regeneration and Planning advised Members that the three applications referred to are under construction and have not been subject to landbanking.

Members were also mindful of the need to take into account the impact that the Cardiff Capital Region City Deal would have on future development.

Having fully considered the report and the responses from Officers, the Member withdrew the earlier motion and it was then moved and seconded that the response to Welsh Government should support the removal of the 5 Year Land Supply Requirement and the retention of a



modified TAN1 the wording of which to be confirmed and should meet the aims of the Local Authority, by a show of hand this was unanimously agreed.

Officers confirmed that due to the consultation deadlines the Committee would need to approve the revised wording via email and this was agreed.

RESOLVED that: -

- (i) the comments of the Planning Committee be noted as part of the consultation process;
- (ii) the response as detailed in Appendix 1, subject to the revised wording in relation to TAN1 and agreement with the removal of the 5 Year Land Supply Requirement, be submitted to Welsh Government as this Council's response to the consultation process.

## **12-15. 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 18.20pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 4th December 2019, they were signed by the Chair.

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CHAIR