



PLANNING COMMITTEE

**MINUTES OF THE MEETING HELD AT PENALLTA HOUSE (CHAMBER),
YSTRAD MYNACH ON WEDNESDAY, 13TH FEBRUARY 2013 AT 5.00 P.M.**

PRESENT:

Councillor D.G. Carter - Chairman
Councillor W. David - Vice Chairman

Councillors:

M. Adams, Mrs E.M. Aldworth, D. Bolter, H.R. Davies, Mrs J. Gale, L. Gardiner, N. George, A.G. Higgs, K. Lloyd, Mrs E. Stenner Mrs J. Summers and J. Taylor.

Together with:

T. Stephens (Development Control Manager), J. Rogers (Principal Solicitor), M. Noakes (Engineering Transportation Senior Officer), C. Davies (Senior Environmental Health Officer) and E. Sullivan (Democratic Services Officer).

APOLOGIES

Apologies for absence were received from Councillors J. Bevan, Mrs A. Blackman, J.E. Fussell, R. W. Gough, Mrs B.A. Jones and Mrs G Oliver.

CHAIRMAN'S ANNOUNCEMENT

The Chairman, Councillor D. Carter paid tribute to Councillor S. Jenkins previous Chairman of the Planning Committee and Local Ward Member for Risca East, who recently passed away.

The Chairman welcomed Mrs Pauline Elliott, the new Head of Planning and Regeneration to her first Planning Committee meeting. Members joined the Chairman in wishing Mrs Elliott every success in her new post and welcomed her to the Caerphilly area and to Caerphilly County Borough Council.

1. DECLARATIONS OF INTEREST

Declarations of interest were received as follows: Councillors H.R. Davies - 12/0441/FULL, G. George - 12/0653/RM details are minuted with the respective item.

2. MINUTES

RESOLVED that the minutes of the Planning Committee held on 16th January 2013 (minute nos. 1-19; page nos. 1-9) be approved and signed as a correct record.

3. TO RECEIVE ANY REQUESTS FOR A SITE VISIT

Requests for site visits were received and accepted by Members of the Planning Committee, as follows:

Code No. 12/0018/FULL - Install New ATM Machine, 12 Bollards, New Double Automatic Sliding Doors And Install New Condenser And Air Condensers To The Rear Of The Store, Former Tony Morgan Cars, High Street, Newbridge, Newport, NP11 4GU.

Code No. 12/0782/COU - Change Use To Class A1 (Retail), One Stop Food Store, High Street, Newbridge, Newport, NP11 4GU.

Code No. 12/0900/FULL - Construct A C2 Residential Block Comprising Of 8 Apartments And Associated Office Space To Provide Accommodation And Support For Independent Living And Mental Health Well Being, Plots 20-28, Land Off Small Meadow Court, Caerphilly.

REPORTS OF OFFICERS

Consideration was given to the following reports:

4. Site Visit - Code No. 12/0441/FULL - Demolish Existing Chapel and Erect Four 1 Bed Apartments In A Single Block, Chapel, De Winton Terrace, Llanbradach, Caerphilly.

Councillor H.R. Davies declared an interest in that the applicant is known to him and left the chamber while the application was discussed.

Mr. S. Groucott the applicant's representative and Councillor C. Mann addressed the Committee.

RESOLVED that: -

- (i) the site visit report be noted;
- (ii) the application be deferred to allow the completion of a Section 106 Obligation requiring the payment of £5,500.00 (index linked) for each dwelling for highway improvements in the Caerphilly Basin area;
- (iii) on completion of the legal agreement and subject to the conditions contained in the Officer's report and the following additional condition this application be granted;

Condition (17)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the glazed balconies of the approved dwelling shall be glazed with obscure glass. Any replacement or repair shall only be with obscure glass.

Reason

In the interest of residential amenity.

- (iv) the applicant be advised of the comments of the Senior Engineer (Land Drainage), Transportation Engineering Manager, Building Control and Dwr Cymru/Welsh Water;

- (v) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted 2010 are relevant to the conditions of this permission: CW2 and CW3;
- (vi) 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 the Countryside Council for Wales (02920 772400).

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990 AND ASSOCIATED LEGISLATION

5. Preface Item - Code No. 12/0653/RM - Erect Development of Fourteen Dwellings and Associated Landscaping, Land At Moriah Hill, Risca, Newport.

Councillor N. George declared an interest in that his Father-in-Law lives in close proximity to the proposed development and left the Chamber when the application was discussed.

An objector, Mr D. Jones on behalf of local residents and Mr K. Lewis the applicant's representative addressed the Committee.

RESOLVED that: -

- (i) the preface report be noted;
- (ii) subject to the conditions contained in the Officer's original report and the following additional conditions the application be granted;

Condition (15)

No material shall be removed from the site until a traffic management plan relating to its removal is submitted to and agreed in writing with the Local Planning Authority. The excavated material shall thereafter be removed in accordance with the agreed details.

Reason

In the interests of highway safety.

Condition (16)

Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Japanese Knotweed on site. The treatment of Japanese Knotweed shall be carried out in accordance with the approved details.

Reason

It is an offence under the Wildlife and Country Act 1981 (as amended) to "introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act". Japanese Knotweed (*Fallopia Japonica/Polygonum Cuspidatum*) is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizome) is classed as controlled/special waste and therefore must be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

Condition (17)

Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

In the interests of the residents of the area.

Condition (18)

The development hereby approved related to the details received on 29 October 2012 by the Local Planning Authority.

Reason

For the avoidance of doubt as to the details hereby approved.

Condition (19)

Prior to the commencement of work on site, a method statement for the treatment of the rock faces on the eastern and northern sides of the site shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed statement.

Reason

In the interest of residential amenity.

- (iii) the applicant be advised of the comments of the Transportation Engineering Manager, Dwr Cymru/Welsh Water, Senior Engineering (Land Drainage), Gwent Wildlife Trust and Senior Engineer (Consultancy Manager);
- (iv) 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 CW6.

6. Preface Item - Code No. 12/0657/FULL - Install External Wheelchair Lifting Platform To From Elevation, 4 Heol Derw, Hengoed, CF82 7NT.

RESOLVED that: -

- (i) the preface report be noted;
- (ii) subject to the conditions contained in the Officer's Preface Report this application be granted.

7. Preface Item - Code No. 12/0740/FULL - Create A New Building To Collect, Sort, Grade, Process and Redistribute Ferrous and Non Ferrous Materials, Re-organise The Existing Site Accommodation and Reposition The Weigh Bridge To Improve The Site Monitoring and Productivity and Update The Site Boundary, GLJ Recycling, Units 5-9, Units 10-11, Units 12 & 13 Fern Close, Pen-y-Fan Industrial Estate, Pen-y-Fan, Newport.

It was reported that an additional letter of objection had been received.

It was proposed and seconded that the application be refused for the reasons contained in the Officer's preface report.

An amendment was moved and seconded that the application be granted in accordance with the conditions contained in the Officers original report.

By a show of hands the motion was lost and as such the amendment was declared carried.

RESOLVED that: -

- (i) the preface report be noted;
- (ii) subject to the conditions contained in the Officer's original 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: CW12 and CW2.

In accordance with Rule of Procedure 15.5 Councillors K. Lloyd and L. Gardiner wished it recorded that they had voted to refuse the application.

8. Code No. 12/0018/FULL - Install New ATM Machine, 12 Bollards, New Double Automatic Sliding Doors and Install New Condenser and Air Condensers To The Rear Of The Store, Former Tony Morgan Cars, High Street, Newbridge, Newport, NP11 4GU.

Having regard to the effect of the proposal on highway safety it was

RESOLVED that the application be deferred for a site meeting by the Planning Committee (all members).

9. Code No. 12/0432/FULL - Erect Replacement Garage, Single Detached Dwelling With Off-Street Parking and Turning Facilities, Land Adjacent To Bryngwyn Cottages, Pennar Lane, Newbridge.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's Report and the following additional condition this application be granted;

Condition (02)

This permission related to the amended site layout Drawing No. 11/1004 Rev. G and amended sections Drawing No. 12/0795 Rev. C received on 4 February 2013, and the amended garage Drawing No. 12/0080 Rev D received on 6 February 2013.

Reason

For the avoidance of doubt as to the approved scheme.

- (ii) the applicant be advised of the comments of Rights of Way Officer, Dwr Cymru/Welsh Water and 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 are relevant to the conditions of this permission: CW2 and CW3.

10. Code No. 12/0524/FULL - Construct A Three Bedroom Detached House On Garden Land Adjacent To Existing Dwelling, 23 Gwerthonor Road, Gilfach, Bargoed, CF81 8JS.

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 2020 are relevant to the conditions of this permission: CW2, CW3 and CW15;
- (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 sites every year. Bats are protected under the conservation of Habitats and Species Regulations 2010 and its amendment 2012, 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 the Countryside Council for Wales should be contacted for advice on any special precautions before continuing.
- (iv) 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.

11. Code No. 12/0782/COU - Change Use To Class A1 (Retail), One Stop Food Store, High Street, Newbridge, Newport, NP11 4GU.

Having regard to the effect of the proposal on highway safety it was

RESOLVED that the application be deferred for a site meeting by the Planning Committee (all members).

12. Code No. 12/0851/FULL - Demolish Existing Outbuildings To Rear Of Property, Change Use From Part Retail To Total Residential Use, Carry Out Internal Alterations and Erect Rear Extension To Increase Existing Residential Unit To 3 No. Self Contained Residential Units, 5 Gwerthonor Place, Gilfach, Bargoed, CF81 8JP.

RESOLVED that the application be deferred to allow speakers to address the Committee.

13. Code No. 12/0884/COU - Change The Use From Domestic Garage To Accommodate A Dog Grooming Facility, 19 Cae'r Fferm, Caerphilly, CF83 2QB.

Mr R. Hathaway the applicant's representative addressed the Committee.

RESOLVED that the application be deferred pending further information.

14. **Code No. 12/0900/FULL - Construct a C2 Residential Block Comprising Of 8 Apartments And Associated Office Space To Provide Accommodation And Support For Independent Living and Mental Health Well Being, Plots 20-28, Land Off Small Meadow Court, Caerphilly.**

Having regard to the effect of the proposal on residential amenity it was

RESOLVED that the application be deferred for a site visit by the Chairman, Vice Chairman and Local Ward Members.

15. **Code No. 13/0025/NCC - Vary Condition 04 Of Planning Permission 07/1230/NCC To Enable Up To 25 Percent Of The Net Sales Space Within Unit 7 To Be Used For The Sale Of Other Goods Not Including Clothing, Footwear or Fresh Food Products, Unit 7 Gallagher Retail Park, Parc Pontypandy, Caerphilly, CF83 3GX.**

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report and the following amended condition this application be granted;

Amended Condition (05)

Notwithstanding the provision of Condition 4, up to 25% of the net sales space within Unit 7 may be used for the sale of other goods, but these goods shall not include clothes, fresh food products or footwear.

Reason

To protect the vitality and viability of Caerphilly Town Centre.

- (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: CW16 and CM2.2;
- (iii) the applicant be advised of the comments of the Head of Public Protection.

16. **ITEMS FOR INFORMATION**

The following items were reported 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) Outstanding Appeals;
- (5) Appeal Decisions.

17. **APPEAL BY MR ANDREW CROFT AGAINST A DECISION TO REFUSE AN APPLICATION FOR A CERTIFICATE OF LAWFULNESS UNDER 195 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991 IN RESPECT OF THE SITING OF A CARAVAN AND RESIDENTIAL OCCUPATION ON LAND AT PANT GLAS FARM, CEFN ONN FARM LANE, RUDRY, CAERPHILLY, CF83 3EJ.**

RESOLVED that the report be noted.

18. ADOPTION OF TOWN AND COUNTRY PLANNING ENFORCEMENT POLICY

RESOLVED that the Planning Enforcement Policy as detailed in Appendix 1 of the report be adopted.

The meeting closed at 18.05 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 13th March 2013, they were signed by the Chairman.

CHAIRMAN