



PLANNING COMMITTEE – 9TH DECEMBER 2015

**SUBJECT: APPLICATION NO.: 15/0252/OUT – LAND AT CWMGELLI,
BLACKWOOD, NP12 1BZ – APPLICANT GWENT INVESTMENTS
LIMITED**

**REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER &
HEAD OF PLANNING & REGENERATION**

1. PURPOSE OF REPORT

- 1.1 To provide an update for Members following the decision taken by the Planning Committee on the 4th November, 2015 in relation to planning application 15/0252/OUT – Land at Cwmgelli, Blackwood, NP12 1BZ and to approve the recommendations set out in the Report.

2. SUMMARY

- 2.1 The Report provides an update for Members following the decision taken on 4th November, in relation to planning application 15/0252/OUT – Land at Cwmgelli, Blackwood, NP12 1BZ and seeks approval of the recommendations set out in the Report.

3. LINKS TO STRATEGY

- 3.1 Planning is a statutory function which assists in the delivery of the Council's regeneration objectives.

4. THE REPORT

- 4.1 On the 7th October, 2015, application number 15/0252/OUT, in relation to an application for outline planning permission to erect residential development, public open space, landscaping highway improvements and associated engineering works with all matters reserved except for access on land at Cwmgelli, Blackwood was referred to the Planning Committee for determination. The application was deferred by Members for a site visit.
- 4.2 The site visit was held on 26th October, 2015 and the application was referred back to Committee on 4th November, 2015.
- 4.3 The Report presented to Committee on 4th November, 2015 included the Report to the Planning Committee on 7th October, 2015. This Report included a recommendation by officers that Members should defer the application to allow the completion of a S106 Agreement on the terms as set out in the Report and on completion of the Agreement that permission be granted subject to the conditions set out in the Report.

- 4.4 At the meeting of 4th November, 2015 it was moved and seconded that the application be refused for the reasons put forward by Members, namely, that the proposed development is outside settlement limits, within the Blackwood, Oakdale and Penmaen Area Green Wedge in conflict with local plan policies.

This proposal was unanimously agreed by all Members present.

- 4.5 In accordance with the Council's Planning Code of Practice incorporated in the Council's Constitution (copy attached as Appendix 1), paragraph 11 refers, when Members of the Planning Committee disagree with the professional advice given by officers and decide to determine the application contrary to the advice. The matter shall be deferred for a further Report at the following or subsequent meeting in which officers will advise Members of the appropriate wording of the reasons for refusal.
- 4.6 At the meeting held on the 4th November, as mentioned in paragraph 4.4, Members unanimously voted to refuse the application meeting on the grounds for refusal specified by members.
- 4.7 Consequently, as a result of this formal decision by Members it is not possible to comply with the Council's Code of Conduct for planning matters and defer the matter for reasons for refusal to be drafted.
- 4.8 However, Members are now asked to note that on the morning of 4th November 2015, the applicant submitted an appeal for non-determination under the provisions of S.78 of the Town and Country Planning Act 1990, to the Planning Inspectorate.
- 4.9 In view of the submission of the Appeal the Local Authority is not in a position to issue a Decision Notice. A letter confirming the decision made by the Committee on 4th November, 2015, will be sent to the Planning Inspectorate. The letter will be used for information purposes during the appeal process.
- 4.10 It is recommended that the policy framework be included in the letter referred to in paragraph 4.9, as follows:
- The proposed development site is outside the settlement limits and within a green wedge as identified in the Caerphilly County Borough Council Local Development Plan up to 2021 – Adopted November 2010, and the development would therefore be contrary to policies SP5, CW15 and S1 1.9 of that adopted plan.
- 4.11 In relation to the appeal process, PINS have indicated that the appeal is currently listed to be dealt with as a hearing, but may be dealt with as an Inquiry following receipt of the Council's letter.
- 4.12 Members are asked to formally note that should the appeal be determined in favour of the applicant, if the applicant submits an application for costs, costs may be awarded against the Authority.

5. FINANCIAL IMPLICATIONS

- 5.1 None arising from this Report, the issue of a potential costs award against the Authority have been mentioned in the Report.

6. PERSONNEL IMPLICATIONS

- 6.1 None arising from the Report.

7. EQUALITIES IMPLICATIONS

7.1 None arising from this Report.

8. CONSULTATIONS

8.1 The Report includes the comments of the listed consultees.

9. RECOMMENDATIONS

9.1 It is recommended that:

- Members note the information contained in the Report, and
- Approve the recommendation at paragraph 4.10 of the Report.

10. REASONS FOR THE RECOMMENDATIONS

10.1 To update Members and to seek approval of the letter to be sent to PINS.

11. STATUTORY POWER

11.1 Town and Country Planning Act 1990.

Author: Gail Williams, Interim Head of Legal Services/Monitoring Officer
Tim Stephens, Development Control Manager

Consultees: Chris Burns, Interim Chief Executive
Christina Harry, Corporate Director Communities
Pauline Elliott, Head of Regeneration & Planning
Councillor D. Carter, Chair of Planning Committee
Councillor W. David Vice-Chair of Planning Committee

Background papers:

Report to Planning Committee 7th October, 2015
Report to Planning Committee 4th November, 2015

Appendices:

Appendix 1 - Planning Code of Practice