



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 9TH DECEMBER 2015 AT 5.00PM

PRESENT:

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

Councillors:

M. Adams, J. Bevan, D. Bolter, Mrs P. Cook, J.E. Fussell, Mrs J. Gale, R.W. Gough, K. Lloyd,
Mrs G.D. Oliver, D. Rees, J. Simmonds, Mrs E. Stenner

Together with:

G. Williams (Interim Head of Legal Services and Monitoring Officer), R. Crane (Solicitor),
T. Stephens (Development Control Manager), M. Noakes (Senior Engineer, Highway
Planning), G. Mumford (District Environmental Health Officer), R. Amundson (Principal
Planner), M. Davies (Principal Planning Enforcement Officer), G. Lewis (Team Leader -
Planning), C. Powell (Area Principal Planner), A. Pyne (Area Senior Planner), M. Godfrey
(Team Leader - Environmental Health), A. Dredge (Committee Services Officer)

1. APOLOGIES

Apologies for absence had been received from Councillors L. Gardiner, A. Higgs, A. Lewis,
Mrs J. Summers and J. Taylor.

2. DECLARATIONS OF INTEREST

Declarations of interest were received as follows - 15/0924/FULL - Councillor D. Carter,
15/1059/LA - Councillor M. Adams and 15/0567/OUT Councillor D. Rees. Details are minuted
with the respective item.

3. MINUTES - 4TH NOVEMBER 2015

RESOLVED that subject to it being noted that the decision taken under minute no. 21
(Members' Planning Site Visits) was taken by the majority present and was not
unanimous as recorded, the minutes of the meeting of the Planning Committee held
on 4th November 2015 (minute nos. 1 - 25) be approved and signed as a correct
record.

4. SITE VISIT CODE NO. 15/0252/OUT – LAND AT CWMGELLI, BLACKWOOD, NP12 1BZ – APPLICANT GWENT INVESTMENTS LIMITED

The Chair agreed that this item be brought forward on the agenda.

Consideration was given to the report which provided an update following the decision taken by the Planning Committee on the 4th November 2015, in relation to the above application. It was noted that at the November meeting Members unanimously voted to refuse the application on the grounds for refusal specified by Members. As a result of this decision by Members it was 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. Members were also asked to note that the applicant had submitted an appeal for non - determination under the provisions of Section 78 of the Town and Country Planning Act 1990, to the Planning Inspectorate.

In view of the foregoing, and in order to inform the appeal process, a letter confirming the decision taken is required to be sent to the Planning Inspectorate and the report proposed that the Council Policy Framework be referred to in the letter.

After due consideration of the report, it was moved and seconded that the recommendations contained therein be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) the information contained within the report be noted;
- (ii) a letter be sent to the Planning Inspectorate advising that:

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.

5. TO RECEIVE ANY REQUESTS FOR A SITE VISIT

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

- (i) Code No. 15/0567/OUT - Land at Oakdale Golf Club, Oakdale;
- (ii) Code No. 13/0824/FULL - Land at Pen-y-fan Industrial Estate, Croespenmaen.

6. SITE VISIT CODE NO. 15/0601/FULL – LAND AT NINE MILE POINT INDUSTRIAL ESTATE, CWMFELINFACH, NEWPORT

The Chair agreed that this item be brought forward on the agenda.

Mr A. Sharpe, on behalf of local residents, and Councillor Ms J. Jones spoke in objection to the application. Mr P. Goddard, the applicant, spoke in support of the application.

Following consideration of the application, it was moved and seconded that the application be deferred for a further report with reasons for refusal. By show of hands (and noting that there were 9 against the motion) the motion was declared lost.

It was then moved and seconded that the recommendations in the report be approved. By show of hands (and in noting that there were 5 against) this was agreed by the majority present.

In accordance with Rule of Procedure 15.5, Councillors Mrs P. Cook and D. Rees wished it recorded that they had not voted in favour of the recommendation to grant the application.

RESOLVED that: -

- (i) the site visit report be noted;
- (ii) subject to the conditions contained in the Officer's report, the removal of condition 7, the renumbering of the remaining conditions, amendments to conditions 11 and 20 (now conditions 10 and 19) and the following additional conditions and advisory notes, this application be granted;

Condition (7)

Removed.

Amended Original Condition (11) - now condition (10)

To now read as Condition (10) and be changed to read 18 car parking spaces.

Amended Original Condition (20) - now condition (19)

The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: CRM.083.001.P.D.001, CRM.083.001.P.D.005.B, CRM.083.001.P.D.003B (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).

Reason

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

Additional Condition (21)

Commercial vehicles carrying waste entering or leaving the site hereby approved, must be either fully enclosed or be provided with sheets to cover loads.

Reason

To prevent any contamination leaving the site.

Additional Condition (22)

No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:

- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
- b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
- c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,

- d) written proof of the credentials of the arboriculture contractor authorised to carry out the scheduled tree works,
- e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),
- f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
- g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837) (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
- l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

Reason

In the interests of visual amenity.

Additional Condition (23)

The plans and particulars submitted in accordance with Condition 22a shall include details of the means of protection and maintenance of the trees, shrubs and hedges referred to at Condition 22 until they are established.

Reason

In the interests of visual amenity.

Additional Condition (24)

The development hereby approved shall be carried out fully in accordance with the recommendations made in Section 4 of the Preliminary Ecological Report dated July 2015, prepared by Enzygo unless otherwise agreed in writing by the Local Planning Authority. The details shall be implemented before the development hereby approved is first occupied.

Reason

To ensure adequate protection for protected species.

Additional Condition (25)

Prior to the commencement of works associated with the development hereby approved, a landscaping and management scheme including at least 75% native and local provenance tree shrub and wildflower species shall be submitted to the Local Planning Authority for approval. The agreed details shall be carried out in the first planting or seeding season following the completion of the development. Any trees or plants which within a period of five years from the completion of the development, die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The management proposals should also be included, along with timing of management, management requirements, who is responsible for management, etc.

Reason

In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.

Additional Condition (26)

Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.

Reason

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

Additional Condition (27)

Prior to the commencement of works of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.

Reason

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

Additional Condition (28)

Prior to the commencement of any works on site, details of the provision of nesting sites for bird species on the proposed building, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the unit hereby approved is first occupied.

Reason

To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.

- (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;
- (iv) the applicant be advised of the comments of the Transportation Engineering Manager, Senior Engineer (Land Drainage), The Coal Authority and Wales and West Utilities:
- (v) the applicant be advised of additional advisory notes to include Natural Resources Wales, Dwr Cymru/Welsh Water, Public Health Wales, Senior Arboricultural Officer and Council's Ecologist.

7. SITE VISIT CODE NO. 15/0978/FULL - LAND AT OGILVIE TERRACE, DERI

Mr D. Hardacre, on behalf of local residents, spoke in objection to the application and Mrs C. Sullivan the applicants agent, spoke in support of the application.

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) the site visit report be noted;
- (ii) subject to the conditions contained in the Officer's 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: CW2 and CW3;
- (iv) the applicant be advised of the comments of Dwr Cymru/Welsh Water, Senior Engineer (Drainage), and the Council's Ecologist.

8. SITE VISIT CODE NO. 15/0488/RET – GELLIARGWELLT UCHAF FARM, GELLIGAER ROAD, GELLIGAER

Councillor H. David spoke in objection to the application and Mr B. Stephenson, the applicants' agent, spoke in support of the application.

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) the site visit report be noted;
- (ii) subject to an amendment to condition 13 and the conditions contained in the Officer's report, this application be granted;

Amended Condition 13

To include reference to the control of mud and other material on the highway.

Reason

To control dust on the track to the site.

- (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 imposed on this consent: CW2 and CW3.

9. SITE VISIT CODE NO. 15/0670/FULL – FORMER SARON CONGREGATIONAL CHURCH, PANDY ROAD, BEDWAS, CAERPHILLY

Mr R. Jones, on behalf of local residents, and Councillor Ms L. Jones spoke in objection to the application. Mr Groucott, the applicants' agent, spoke in support of the application.

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 were 4 against) this was agreed by the majority present.

RESOLVED that: -

- (i) the site visit report be noted;
- (ii) subject to the conditions contained in the Officer's 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: CW2, CW3 and CW4;
- (iv) the applicant be advised of the following information in relation to bat and bird boxes;

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.

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).

10. SITE VISIT CODE NO. 15/0775/COU – BANK CHAMBERS, 2 PANDY ROAD, BEDWAS, CAERPHILLY

Councillor D. Havard, spoke in objection to the application. Mrs C. Oliver-Thomas, the applicants' agent, spoke in support of the application.

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 were 4 against) this was agreed by the majority present.

RESOLVED that: -

- (i) the site visit report be noted;
- (ii) subject to the conditions contained in the Officer's 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: CW2 and CW3.

11. SITE VISIT CODE NO. 15/0914/FULL – CRAIG BACH, PENRHIW LANE, MACHEN, CAERPHILLY

Mr P. Raewhittaker, on behalf of local residents, spoke in objection to the application and Mr Groucott, the applicants' agent, spoke in support of the application.

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) the site visit report be noted;
- (ii) subject to the conditions contained in the Officer's report, this application be granted;
- (iii) the applicant be advised of the attached comments of Dwr Cymru/Welsh Water, Transportation Engineering Manager, Council's Ecologist and The Coal Authority;

- (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 and CW3.

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

12. CODE NO. 15/0567/OUT – LAND AT OAKDALE GOLF COURSE, OAKDALE GOLF COURSE LANE, OAKDALE, BLACKWOOD

Councillor D. Rees declared an interest in that he has played golf at the course and undertaken work for the owner. The item was deferred without discussion for a site visit.

Having regard to the impact of the development on residential amenity and highway safety, it was moved and seconded that the application be deferred for a site visit by the Planning Committee (all Members) and by a show of hands this was unanimously agreed.

RESOLVED that the application be deferred for a site visit.

13. CODE NO. 13/0824/FULL – LAND AT PEN-Y-FAN INDUSTRIAL ESTATE, PEN-Y-FAN, NEWPORT, NP11 3XG

Having regard to the impact of the development on residential amenity and the local landscape, it was moved and seconded that the application be deferred for a site visit by the Planning Committee (all Members) and by a show of hands this was unanimously agreed.

RESOLVED that the application be deferred for a site visit.

14. CODE NO. 15/0924/FULL – BARGOED RFC, BARGOED PARK, PARK DRIVE, BARGOED

Councillor D. Carter declared a prejudicial interest in this application (as being Vice President of the Rugby Club). Councillor W. David took the Chair for this item.

Mr B. Jones, on behalf of local residents, spoke in objection to the application. Councillor D. Carter and Mr R. Butcher, the applicant, spoke in support of the application. It was noted that Councillor D. Carter left the Chamber once he had addressed the Committee.

Following consideration of the application it was moved and seconded that the recommendations 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)

Notwithstanding the approved plans, details of any additional parking within the site shall be agreed in writing with the Local Planning Authority prior to any works commencing on site. The works shall thereafter be carried out in accordance with the approved details.

Reason

In the interests of highway safety.

- (ii) the applicant be advised that the following policies of Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to this consent: policies CW2, CW3 and CW4;
- (iii) the applicant be advised of the comments of Dwr Cymru/Welsh Water and Senior Engineer (Land Drainage).

15. CONCLUSION OF MEETING

In accordance with Rule of Procedure 9, and at 9pm, the meeting was declared closed and it was agreed that the following items that have not yet be determined be deferred to a future meeting:

Planning Applications Under the Town and Country Planning Act - North Area

Agenda Item No. 11 - Preface Item Code No, 15/0597/FULL - Pen-yr-heol Farm, Commin Road, Hollybush, Blackwood

Agenda Item No. 12 - Code No. 15/0531/FULL - Biffa Waste Services Ltd, Trecatti Landfill Site, Fochriw Road, Pant-y-waun, Merthyr Tydfil

Agenda Item No. 14 - Code No. 15/0711/FULL - 14 - 16 Thorncombe Road, Blackwood

Agenda Item No. 17 - Code No. 15/1059/LA - School Bungalow, Forest Hill, Pontllanfraith, Blackwood (Councillor M. Adams declared an interest in this item and this will be minuted at the future meeting).

Planning Applications Under the Town and Country Planning Act - South Area

Agenda Item No. 18 - Code No. 15/0499/FULL - Castell Llwyd Farm, Heol Ias, Nelson

Agenda Item No. 19 - Code No. 15/0619/RM - Gledyr Bungalow, Selway Gardens, Nantgarw Road, Caerphilly

Information Items

Agenda item No. 21 - Applications Determined by Delegated Powers

Agenda item No. 22 - Applications Out of Time/Not Dealt With Within 8 Weeks of Registration

Agenda Item No. 23 - Applications Awaiting Section 106 Agreements

Agenda Item No. 24 - Outstanding and Decided

The meeting closed at 9pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 13th January 2016, they were signed by the Chair.

CHAIR