



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH (CHAMBER) ON WEDNESDAY, 6TH APRIL 2016 AT 5:00PM

PRESENT:

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

Councillors:

M. Adams, D. Bolter, Mrs P. Cook, C. Hawker, A. Lewis, K. Lloyd, D. Rees, Mrs E. Stenner and J. Taylor.

Together with:

T. Stephens (Development Control Manager), G. Williams (Interim Head of Legal Services and Monitoring Officer), M. Noakes (Senior Engineer, Highway Planning), C. Davis (Senior Environmental Health Officer), C. Powell (Principal Planner), C. Campbell (Manager, Transport Engineering) M. Davies (Principal Planner), A. Pyne (Senior Planner) and E. Sullivan (Democratic Services Officer).

APOLOGIES

Apologies for absence had been received from Councillors J. Bevan, J.E. Fussell, Mrs J. Gale, L. Gardiner, R.W. Gough, A.G. Higgs, Mrs G.D. Oliver, J. Simmonds and Mrs J. Summers.

1. DECLARATIONS OF INTEREST

Declarations of interest were received at the start of the meeting as follows: 15/0567/OUT – Councillor D. Rees and 16/0001/FULL, 15/0678/FULL – C. Powell (Principal Planner) and G. Williams (Interim Head of Legal Services and Monitoring Officer) details are minuted with the respective item.

2. MINUTES – 6TH MARCH 2016

RESOLVED that the minutes of the Planning Committee held on 6th March 2016 (minute nos. 1-13) be approved and signed as a correct record.

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

3. PREFACE ITEM CODE NO. 15/0567/OUT – LAND AT OAKDALE GOLF COURSE, OAKDALE GOLD COURSE LANE, OAKDALE, BLACKWOOD

Councillor D. Rees declared an interest in that he had previously played golf at the site, had made a planning enquiry on behalf of the applicant and has a friend who has objected to the application and left the Chamber when the application was discussed.

Having fully considered the Officer's Preface Report it was moved and seconded that the application be refused for the reason basis stated in point 3 of the report in that the proposed development is premature in the light of the emerging review of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 and therefore would prejudice the Development Plan Inspector's ability to reach a balanced decision on the provision of housing land in the county borough and undermine the current consultation process, negating the public's right to comment and by a show of hands this was unanimously agreed.

RESOLVED that the application be REFUSED as the proposed development is premature in the light of the emerging review of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 and therefore would prejudice the Development Plan Inspector's ability to reach a balanced decision on the provision of housing land in the county borough and undermine the current consultation process, negating the public's right to comment.

4. CODE NO. 14/0802/OUT – LAND AT HAWTIN PARK, GELLI-HAF, PONTLLANFRAITH, BLACKWOOD

Ms L. Williams the applicant's agent spoken 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 application be deferred to allow the applicants to enter into a Section 106 Obligation to provide the following: -
 - 1. 25% provision of Affordable Housing;
 - 2. Transfer to the Council of the retained area of land of nature conservation interest, a commuted sum towards its long term management and long terms management of the habitat areas not transferred to the Council.
- (ii) on completion of the Section 106 Obligation and subject to the conditions contained in the Officer's report outline planning permission 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 imposed on this consent: CW2, CW3 and CW4.

5. CODE NO. 16/0059/COU – UNIT A, BANK CHAMBERS, 24-25 HIGH STREET, BARGOED

Mr Sorrell the applicant addressed the committee in support of the application.

Following consideration the application it was moved and seconded that subject to the amendment of conditions (02) and (03) 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 amended conditions this application be granted;

Amended Condition (02)

Prior to the occupation of the residential accommodation of the first floor of the building a scheme of sound isolation between A3 use hereby approved and the residential C3 use of the building shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be carried out in accordance with the details agreed.

Reason

In the interest of residential amenity.

Amended Condition (03)

The use hereby permitted shall not be open to customers outside the following times: (a) 08.00am to 12.30am Monday to Thursday, (b) 08.00am to 01.30am Friday and Saturday and (c) 08.00am to 11.30pm Sunday.

Reason

In the interests of residential amenity.

- (ii) the applicant be advised that the following policy of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 is relevant to the conditions of this permission: CW2;
- (iii) the applicant be advised of the comments of Dwr Cymru/Welsh Water.

6. CODE NO. 16/0126/FULL – 20 MORIAH HILL, RISCA, NEWPORT

Following consideration of the application it was moved and seconded that the recommendation contained within 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 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 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 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) (02920 722400).

7. CODE NO. 16/0066/FULL – ASDA, CLIFF ROAD, BLACKWOOD

Ms K. Gapper the applicant's agent spoke in support of the application

Following consideration of the application it was moved and seconded that the recommendation contained within 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 amended and additional conditions the application be granted;

Amended Condition(04)

Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site, and in particular shall include gas mitigation measures to be fitted to all enclosures or cabinets to prevent the accumulation of landfill gases. Prior to the first use of the petrol filling station hereby approved a report shall be submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.

Reason

In the interests of public health.

Additional Condition (06)

The development hereby permitted shall not be commenced until such time as a scheme to install the underground tanks has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the full structural details of the installation of the underground tanks, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system. The development shall be carried out in accordance with the agreed scheme.

Reason
To protect controlled waters.

- (ii) the applicant be advised of the comments of Dwr Cymru/Welsh Water and Public Health Wales;
- (iii) the applicant be advised of the comments of the Petroleum Enforcing Authority (PEA), Caerphilly County Borough Council is the Petroleum Enforcing Authority and is responsible for issuing a petroleum storage certificate for dispensing premises;
- (iv) the applicant be advised that before a storage certificate can be granted for a new petrol filling station the applicant must satisfy the PEA, that the design and construction of the containment system for storage, leak detection, spillage control and other health and safety in relation to the dispensing of petrol, will not create an unacceptable risk;
- (v) the applicant be advised that approval can only be given with the Petroleum Officer has examined detailed site plans and is satisfied that current guidance and codes of practice have been met. The information submitted with regard to the planning application is not sufficient for this purpose.

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8. PREFACE ITEM CODE NO. 16/0001/FULL – 1 OAK LANE, ROYAL OAK, MACHEN, CAERPHILLY

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 and in noting there were 2 against this was agreed by the majority present.

RESOLVED that this application be granted for a temporary period and that the use hereby permitted be discontinued on or before 30th April 2017, to allow the Local Planning Authority to monitor and consider the impact of the use on the neighbouring properties.

9. CODE NO. 15/0412/OUT – LAND NORTH OF HENDREDENNY DRIVE, HENDREDENNY, CAERPHILLY

Mr C. Gomez, Councillor H. Davies and Councillor L. Whittle spoke on behalf of local residents in objection to the application; the applicant's agent who had been advised and was present did not speak.

It was noted that this application had been subject to a site visit on Monday 4th April 2016, a briefing note on the questions raised and answers given was tabled at the meeting, summarised by the Planning Officer and are appended to these minutes.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officers report be approved and by a show of hands this was unanimously agreed.

RESOLVED that for the reason given in the Officer's report this application be REFUSED.

10. CODE NO. 16/0046/COU – HOREB BAPTIST CHAPEL, CASTLE HILL, GELLIGAER, HENGOED

Mr T. Bethell and Councillor H.W. David spoke on behalf of local residents and Mr D. Poole the applicant's agent spoke on behalf of the applicant.

It was noted that this application had been subject to a site visit on Monday 4th April 2016, a briefing note on the questions raised and answers given was tabled at the meeting, summarised by the Planning Officer and are appended to these minutes.

Following consideration of the application it was moved and seconded that the application be deferred to allow further discussions with Bereavement Services to take place and by show of hands this was unanimously agreed.

RESOLVED the application be deferred to allow further discussion with Bereavement Services.

11. CODE NO. 15/0678/FULL – 9 SCHOOL CLOSE, NELSON, TREHARRIS

Mrs G. Williams (Interim Head of Legal Services and Monitoring Officer) declared a prejudicial interest in that the speaker in support of the application is known to her and Mr C. Powell (Principal Planner) declared a prejudicial interest in that the speaker in objection to the application is known to him, both left the Chamber when the application was discussed.

Mr S. James spoke in objection to the application and Mrs L. Jones spoke in support of the application.

It was noted that this application had been subject to a site visit on Monday 4th April 2016, a briefing note on the questions raised and answers given was tabled at the meeting, summarised by the Planning Officer and are appended to these minutes.

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

RESOLVED that for the reason given in the Officer's report this application be REFUSED.

12. CODE NO. 16/0044/LA – Y GWYNDY – YSGOL GYFUN CWM RHYMNI, PONTYGWINDY ROAD, CAERPHILLY

Councillor J. Pritchard and Councillor M. Prew spoke on behalf of local residents.

It was noted that this application had been subject to a site visit on Monday 4th April 2016, a briefing note on the questions raised and answers given was tabled at the meeting, summarised by the Planning Officer and are appended to these minutes.

Councillor D. Bolter wished it noted that as he had not been present for the whole debate he had not taken part in the vote.

With regard to highway safety and the construction process Members requested that it be made clear to contractors that Parc y Felin Street should not be used for traffic associated with the site preparation and construction of the development and that they should be made aware of this restriction as soon as possible. Officers confirmed that there is a condition imposed on the permission that requires a Construction Traffic Management Plan to be agreed with this Planning Authority before the commencement of works and this Plan could

incorporate such instructions.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by 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 (13)

The use of the facilities hereby permitted shall not take place and the floodlights approved shall not be used during the following times: 21:00 hours to 08.00 hours Monday to Friday, and 16.00 hours to 09.30 hours on Saturdays and Sundays.

Reason

In the interests of residential amenity.

- (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: CW2, CW3 and CW4.

13. CODE NO. 16/0032/FULL – FWRRWM ISHTA HOUSE, 68 COMMERCIAL ROAD, MACHEN, CAERPHILLY

It was noted that this application had been subject to a site visit on Monday 4th April 2016, a briefing note on the questions raised and answers given was tabled at the meeting, summarised by the Planning Officer and are appended to these minutes.

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 hand this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be deferred to allow the applicants to enter into a Section 106 Agreement as set out therein;
- (ii) on completion of the Agreement and 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 imposed on this consent policies: Cw2, CW3 and CW4;
- (iv) the applicant be advised of the comments of Dwr Cymru/Welsh Water.

14. CONSULTATION FROM WELSH LOCAL GOVERNMENT ASSOCIATION ABOUT A NATIONAL PLANNING COMMITTEE PROTOCOL FOR WALES

The Development Control Manager introduced the report which sought Members views on the Welsh Local Government Association's (WLGA) draft National Planning Committee Protocol for Wales as part of the consultation process.

Members were referred to sections 4.2 through 4.18 of the report which detailed the consultation questions and the answers recommended by Officers.

Members noted the Officer responses and commented on the need to have a more regional approach to planning going forward; reference was made to the impact of the City Deal and future large scale building applications in the Caerphilly Basin.

Having fully considered the consultation questions and the answers from Officers it was moved and seconded that they be forwarded to the WLGA as this Council's response to the consultation process and by show of hands this was unanimously agreed.

RESOLVED that the answers as detailed in the Officer's report be forwarded to the WLGA as this Council's response to the consultation process.

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 19.16pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 4th May 2016, they were signed by the Chair.

CHAIR