



## PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 12TH OCTOBER 2016 AT 5PM

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#### PRESENT:

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

#### Councillors:

M. Adams, J. Bevan, Mrs P. Cook, J.E. Fussell, R.W. Gough, C. Hawker, A.G. Higgs, A. Lewis, K. Lloyd, D. Rees, J. Simmonds, Mrs E. Stenner and J. Taylor

Cabinet Member for Regeneration, Planning and Sustainable Development -  
Councillor K. James

#### Together with:

T. Stephens (Development Control Manager), R. Crane (Solicitor), C. Powell (Principal Planner), P. Den Brinker (Team Leader East), C. Boardman (Area Senior Planner), E. Rowley (Area Senior Planner), M. Davies (Team Leader South), M. Noakes (Senior Engineer, Highway Planning), M. Godfrey (Senior Environmental Health Officer), M. Headington (Acting Parks Manager), H. Morgan (Senior Committee Services Officer).

#### 1. APOLOGIES

Apologies for absence had been received from Councillors D. Bolter, Ms. J. Gale, L. Gardiner, Mrs G.D. Oliver and Mrs J. Summers.

During the course of the meeting, the Chair advised that Councillor Gardiner is currently unwell and Members asked that their best wishes be sent to him.

#### 2. DECLARATIONS OF INTEREST

A declaration of interest was received at the beginning of the meeting from Councillor W. David in relation to application 16/0692/FULL. Details are minuted with the respective item.

#### 3. MINUTES - 14TH SEPTEMBER 2016

RESOLVED that the minutes of the Planning Committee held on 14th September 2016 (minute nos. 1 - 11) be approved and signed as a correct record.

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

### **4. CODE NO. 16/0692/FULL - 2 OAK TREE CLOSE, FLEUR-DE-LIS, BLACKWOOD**

Councillor W. David declared an interest in that the mother of the objector was a former member of staff and left the Chamber when the application was discussed.

Councillor D.V. Poole spoke on this application and left the meeting following his contribution.

Mr W. Davies spoke in objection to the application and Mr M. Swain, the applicant's agent, spoke in support of the application.

It was noted that the application had been subject to a site visit on Monday 10th October 2016.

Following consideration of the application it was moved and seconded that the recommendations contained in the Officer's report be approved. By a show of hands, and in noting there was 1 against and 1 abstention, 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 that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of the permission: CW2 and CW3;
- (iii) 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. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

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).

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com).

This Standing Advice is valid from 1st January 2015 until 31st December 2016.

### **5. CODE NO. 16/0373/OUT - LAND SOUTH OF A472 (MAFON ROAD), TY DU, NELSON, TREHARRIS**

It was noted that the comments of the Ecologist are now available and whilst there are no objections in principle, a number of additional conditions have been proposed.

Councillor Mrs A. Blackman spoke on this application.

Mrs P. Baldwin spoke on behalf of the residents and Mr D. Barry, the applicant's agent, spoke in support of the application.

It was noted that the application had been subject to a site visit on Monday 10th October 2016. A briefing note on the issues raised was tabled at the meeting, summarised by the Officer and is appended to these minutes.

Following consideration of the application it was moved and seconded that subject to an amendment to condition 05 and the following additional conditions, the recommendations contained in the Officer's report be approved. By a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) the application be deferred to enable the completion of a Section 106 Agreement to require 25% affordable housing;
- (ii) upon completion of the agreement planning permission be granted in accordance with the conditions contained in the Officer's report; the amendment of condition 05 the following additional conditions;

**Amended condition 05**

The development hereby approved shall not be occupied until there have been completed the following off site pedestrian and transport improvements:

- (1) A pelican crossing over the A472 south of No 5 Heol Harri Lewis.
- (2) A 2 metre wide pedestrian link from the Co-operative food store along the southern side of the A472 to the proposed pedestrian site entrance to the east of the food store and
- (3) On the same side of the road within the length of the required link footpath a bus layby together with a bus shelter .
- (4) Provision of a bus shelter on the A472 east bound approach.
- (5) Provision of pedestrian tactile crossing points to A472 Mafon Road/Dynevor Terrace roundabout that shall include the repositioning of the existing pedestrian crossing point from the application site onto the island on Mafon Road to a position to the west of the island, together with control barriers to direct pedestrians and appropriate signage to warn motorists of the crossing on both sides of the island.

**Reason**

To ensure the adequate and safe pedestrian access to and from the site.

**Additional Condition (25)**

Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, and a Welsh Government derogation licence is required, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.

**Reason**

To ensure adequate protection to protected species.

**Additional Condition (26)**

The reserved matters shall include details of retained areas of woodland adjacent to the existing streams within the site, together with areas of species rich grassland and new woodland planting.

**Reason**

To ensure adequate protection to protected habitats and species.

**Additional Condition (27)**

Prior to the commencement of the development hereby approved a 25 year nature conservation and landscape management plan shall be prepared and submitted to the Local Planning Authority for its agreement. The agreed plan shall thereafter be complied with.

**Reason**

To ensure adequate protection to protected habitats and species.

**Additional Condition (28)**

Site clearance operations that involve the destruction and or removal of vegetation, including felling clearing or removal of trees or shrubs or hedgerows shall not be undertaken during the months of March to August inclusive, unless otherwise approved in writing by the Local Planning Authority prior to their removal/felling/clearing.

**Reason**

To ensure that breeding birds are not adversely affected. All British birds, 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.

**Additional Condition (29)**

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, Himalayan Balsam and Rhododendron on site. The treatment of the aforementioned species shall be carried out in accordance with the approved details

**Reason**

To ensure the removal of invasive species.

- (iii) the applicant be advised that Rights Of Way advise that Footpaths 9 and 10 in the Community of Caerphilly cross the site. The line of Claimed Right of Way also crosses the site. The Public Rights of Way will require a legal order to be in place prior to any works affecting the current line. It is recommended that the matter is discussed with the Public Rights of Way section in the early stages as these processes can take time to resolve;
- (iv) the applicant be advised that the Head of Public Services advises that the Authority does provide kerbside collections for refuse, recycling and green waste, with the onus upon the Developer to provide suitable off road storage near the proposed public highway for one 240L refuse bin, one 240L recycling bin and one food caddy per dwelling;
- (v) 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 the permission: CW10, CW2, CW3 and CW4;
- (vi) the applicant be advised of the comments of Dwr Cymru/Welsh Water and Natural Resources Wales;
- (v) the development as submitted does not propose the importation of any soils or hardcore it is advised that where it is necessary for materials to be imported onto site to comply with the requirements of condition number 13 of this planning permission (a scheme to deal with

contamination), details of testing for contamination will be sought for any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013.

- (vi) Section 71ZB(1) of the Town and Country Planning Act 1990 requires that notice be given to a Local Planning Authority before beginning any development to which a relevant planning permission relates, and must be in the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 or in a form substantially to the like effect.

**6. CODE NO. 16/0613/FULL - MARKHAM RESERVOIR TANK, COMMON ROAD, MARKHAM**

Following consideration of the application it was moved and seconded that the recommendations contained in the Officer's report be approved. 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 the permission: CW2 and CW3.

**PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT - SOUTH AREA**

**7. CODE NO. 16/0385/FULL - LAND AT GRAIG-YR-HUFEN ROAD, SENGHENYDD, CAERPHILLY**

Following consideration of the application it was moved and seconded that subject to the following additional conditions, 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 conditions this application be granted;

**Additional Condition (21)**

The turbines shall be sited in accordance with the locations shown on the approved layout drawing.

**Reason**

In the interests of residential amenity.

**Additional Condition (22)**

In the event that the proposed turbine model for installation differs from the machine utilised in the noise information submitted, a revised noise impact assessment report shall be submitted, demonstrating that predicted noise levels indicate likely compliance with the noise levels stated in Condition (03).

### **Reason**

In the interest 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 the permission: CW2, CW3 and CW4;
- (iii) the applicant be advised that the archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member;
- (iv) the applicant be advised of the comments from Dwr Cymru/Welsh Water, Wales and West Utilities, Senior Engineer (Land Drainage) and British Telecom;
- (v) the applicant be advised that the proposed service track utilises part of Footpath 30 in the community of Caerphilly. The path must remain open for access at all times, unless the appropriate temporary closure order is in place. Measures must be taken for the safety of users, whether this be banksmen, separate tracks or a temporary closure.

### **8. CODE NO. 16/0622/OUT - LAND TO REAR OF 20 CHURCH STREET, BEDWAS, CAERPHILLY**

It was noted that the application had been subject to a site visit on Monday 10th October 2016.

Following consideration of the application it was moved and seconded that the recommendations contained in the Officer's report be approved. 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 the permission: CW2, CW3 and CW4;
- (iii) the applicant be advised of the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage) and the Council's Ecologist;
- (iv) the applicant be advised that Section 71ZB(1) of the Town and Country Planning Act 1990 requires that notice be given to a Local Planning Authority before beginning any development to which a relevant planning permission relates, and must be in the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 or in a form substantially to the like effect;
- (v) the applicant be advised that before any vehicle crosses the public footway, a properly formed vehicular crossover must be provided, the constructional details of which must be agreed with the Highway Authority. The applicant should ring (01495) 235323 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.

**9. PREFACE ITEM CODE NO. 16/0533/LA - LAND ADJ TO OLD NANTGARW ROAD, GROESWEN**

Following consideration of the application it was moved and seconded that subject to the additional condition contained within the preface report, the recommendations contained in the Officer's original report be approved. By a show of hands, and in noting there was 1 against and 1 abstention, this was agreed by the majority present.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's original report (except condition 2 will now refer to the amended plan submitted and subject to an additional condition), this application be granted;

**Amended Condition (2)**

The development shall be carried out in accordance with the following approved plans and documents:

Drawing no. PL01 (Site Location Plan)

Drawing no. PL02 (General Arrangement ) Rev A

Drawing no. PL03 (Building Requirements) Rev A

Drawing no. PL04 (Tree Requirements)

Drawing no. PL05 (Miscellaneous Details)

**Reason**

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

**Additional Condition (14)**

The proposed access and exit points on Old Nantgarw Road shall provide visibility splays of 2.4m x 70m. No obstruction or planting exceeding 900mm in height shall be placed or allowed to grow within the visibility splay areas.

**Reason**

In the interests of highway safety.

- (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 the permission: CW2 and CW3;
- (iii) the applicant be advised of the comments of the Senior Engineer (Land Drainage), The Coal Authority, Countryside and Landscape Services, Senior Arboricultural Officer, Natural Resources Wales and Dwr Cymru/ Welsh Water.

**10. WELSH GOVERNMENT CONSULTATION PROPOSED CHANGES TO HOW ENVIRONMENTAL IMPACT ASSESSMENTS APPLIES TO TOWN AND COUNTRY PLANNING**

Members were advised that Welsh Government (WG) is currently running a consultation on proposed changes to how Environmental Impact Assessment applies to Town and Country Planning. The proposals were summarised in the report along with the suggested answers to the questions asked by WG. Details of the paper can be read in full in the consultation section on the Welsh Government website.

It was noted that the consultation paper sets out proposals for transposing the provisions of an EU 2014 EIA Directive and making other changes to national legislation. It sets out their proposals on Third party screening requests, screening and scoping timeframes, co-ordination, consultation and participation in the decision making process, monitoring of significant effects, penalties and enforcement, competent experts and purchase notices under Section 141 of the Town and Country Planning Act 1990.

Having fully considered the consultation questions and Officer's responses as detailed in the report, it was moved and seconded that the report be noted and the responses be forwarded to Welsh Government as part of the consultation process. By show of hands this was unanimously agreed.

## **11. WELSH GOVERNMENT CONSULTATION APPEALS, COSTS AND STANDARDS DAILY AMOUNTS**

It was reported that Welsh Government (WG) is currently running a consultation about changes to appeals, costs and standard daily amounts. The proposals were summarised in the report along with the suggested answers to the questions asked by WG.

Members were advised that the proposals contained in this consultation paper are intended to ensure a more proportionate, cost effective and streamlined process which meets the needs of all parties. It is intended to increase the speed of decisions, thereby promoting growth and providing greater certainty for developers and communities, increase transparency through better communication and exchange of information among all parties to promote public participation and public confidence in the appeal process and increase fairness for all involved through ensuring good behaviour among all parties. Details of the paper can be read in full in the consultation section on the Welsh Government website.

Having fully considered the consultation questions and Officer's responses as detailed in the report, it was moved and seconded that the report be noted and the responses be forwarded to Welsh Government as part of the consultation process. By show of hands this was agreed.

## **12. 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 6.25pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 9th November 2016, they were signed by the Chair.

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CHAIR