



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 8TH NOVEMBER 2017 AT 5:00PM

PRESENT:

Councillor M. Adams- Chair
Councillor W. David - Vice-Chair

Councillors:

C. Andrews, A. Angel, M. Davies, J.E. Fussell, R.W Gough, A.G. Higgs, A. Hussey, B. Miles, J. Simmonds, J. Taylor, A. Whitcombe, R. Whiting, T.J. Williams

Cabinet Member for Environment and Public Protection - Councillor Mrs E. Stenner

Together with:

T. Stephens (Development Control Manager), R. Crane (Solicitor), L. Cooper (Assistant Engineer), M. Godfrey (Senior Environmental Health Officer), C. Powell (Principal Planner), C. Boardman (Area Senior Planner), E. Rowley (Area Senior Manager), A. Pyne (Senior Planner), A. Wilcox (Senior Planning Officer), H. Morgan (Senior Committee Services Officer) and J. Tyler (Committee Services Administrative Assistant).

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs E.M. Aldworth, J. Bevan, Mrs G. Oliver and J. Ridgewell.

2. DECLARATIONS OF INTEREST

Declarations of interest were received as follows - Councillor W. David - 17/0834/RET, Councillor J.E. Fussell and A. Wilcox - 17/0792/FULL and 17/0793/ADV. Details are minuted with the respective items.

3. MINUTES – 11TH OCTOBER 2017

RESOLVED that the minutes of the Planning Committee held on 11th October 2017 (minute nos. 1-8) be approved and signed as a correct record.

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

4. CODE NO. 17/0752/COU – FORMER SOMERFIELD STORES, UNIT A, 12 THE MARKET PLACE, BLACKWOOD.

It was noted that since the preparation of the report a further email of objection had been received.

Councillor K. Etheridge and Councillor N. Dix spoke in objection to the application and Mr M. Mitchell, the applicant's agent, spoke in support of the application.

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 were 3 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 policy of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is relevant to the conditions of the permission: CW2;
- (iii) the applicant be advised of the comments from Dwr Cymru/Welsh Water.

5. CODE NO. 17/0711/FULL – 17 SHANNON CLOSE, PONTLLANFRAITH, BLACKWOOD.

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 policy of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is relevant to the conditions of the permission: CW2;
- (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. Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority.
- (iv) the homeowner/developer be advised that any development that involves works on land that is not owned by the applicant may require agreement under the Party Wall Act. This planning permission is issued having regard to the land ownership certificate submitted by the applicant.

6. CODE NO. 17/0834/RET – 3 PENDARREN STREET, PENPEDAIRHEOL, HENGOED.

Councillor W. David declared an interest (in that he had a closed mind) and moved to the public gallery in order to speak as a local ward member.

Councillor A. Gair spoke on behalf of the objector and Councillor W. David spoke on behalf of the applicant. He left the meeting once he had spoken.

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 were 4 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. Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority.

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

7. CODE NO. 17/0565/FULL – ROBERT PRICE (BUILDERS MERCHANTS) LTD, 145 PONTYGWINDY ROAD, CAERPHILLY.

It was noted that the application had been subject to a site visit on Monday 6th November 2017. A briefing note on the issues raised was tabled at the meeting, summarised by the Officer and is appended to these minutes.

Mr. Ryan and Councillor J. Pritchard spoke in objection to the application and Mr. Horowsky spoke in support of the application.

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 Motion was lost and it was declared that the application be deferred for reasons of refusal based on the height of the building and over bearing impact on a neighbouring property.

RESOLVED that the application be deferred for reasons of refusal based on the height of the building and over bearing impact on a neighbouring property.

8. CODE NO. 17/0796/FULL – UNIT 18, GALLAGHER RETAIL PARK, PARC PONTYPANDY, CAERPHILLY.

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 policy of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is relevant to the conditions of the permission: CW2.

9. CODE NO. 17/0797/FULL – UNIT 18, GALLAGHER RETAIL PARK, PARC PONTYPANDY, CAERPHILLY.

Mrs S. Powell-Davies, Councillor J. Pritchard and Councillor S. Cook spoke in support of the application.

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 policy of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is relevant to the conditions of the permission: CW2;
- (iii) the applicant be advised of the comments from Dwr Cymru/Welsh Water and the Head of Public Protection.

10. CODE NO. 17/1768/RET – STABLES COMPOUND, WEST ROAD, PENALLTA INDUSTRIAL ESTATE, PENALLTA.

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 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.

11. CODE NO. 17/0761/COU – CASTLE HOUSE, SOUTHERN STREET, CAERPHILLY.

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 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. Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority;
- (iv) the applicant be advised of the comments from Dwr Cymru/Welsh Water.

12. CODE NO. 17/0716/FULL – 54 PANDY ROAD, BEDWAS, CAERPHILLY.

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 SP6;
- (iii) the applicant be advised that the proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place;
- (iv) the applicant be advised that it is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>;

- (v) the applicant be advised that any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider;
- (vi) the applicant be advised that if any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority;
- (vii) 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;
- (viii) 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) (029 20 772400).

13. CODE NO. 17/0792/FULL – 64-66 CARDIFF ROAD, CAERPHILLY.

Councillor J.E Fussell declared an interest (in that he has undertaken work for the company) and left the meeting when the application was considered. A. Wilcox also declared an interest as a family member is involved with the company.

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

RESOLVED that subject to the condition contained in the Officer's report this application be granted.

14. CODE NO. 17/0793/ADV – 64-66 CARDIFF ROAD, CAERPHILLY

Councillor J.E Fussell declared an interest (in that he has undertaken work for the company) and left the meeting when the application was considered. A. Wilcox also declared an interest as a family member is involved with the company.

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

RESOLVED that subject to the conditions contained in the Officer's report this application be granted.

15. CODE NO. 17/0709/FULL – 31 GELLI'R FELIN, CAERPHILLY.

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 policy of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is relevant to the conditions of the permission: SP6
- (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. Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority.
- (iv) 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;
- (v) 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) (029 20 772400).

16. CODE NO. 17/0794/RM – LAND AT CAE NANT GLEDYR, CAERPHILLY.

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

Additional Condition

Not with standing the approved plans, no construction works shall commence on Plot 4, other than excavations in accordance with Section 8 of the Geo-Technical and Geo-Environmental Report by Terra Firma Ltd dated August 2017, until such time as further gas monitoring has been carried out in accordance with Section 6 of that report (a further 6 readings over a 3 month period). The results of the gas monitoring and any proposed mitigation measures arising from the findings shall be submitted to and approved in writing by the Local Planning Authority prior to any further works commencing on that plot.

Reason

In order to assess the risks to public health arising from ground contamination.

- (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 from Dwr Cymru/Welsh Water.

17. 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 07:15pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 6th December 2017, they were signed by the Chair.

CHAIR

Members' Site Visit

PLANNING APPLICATION REFERENCE: 17/0565/FULL

PROPOSED DEVELOPMENT: Erect extension to existing detached storage building

LOCATION: Robert Price Builders Merchants, 145 Pontywindy Road, Caerphilly

DATE OF SITE VISIT: 6th November 2017

MEMBERS PRESENT: Mike Adams, Wynne David, Phil Bevan and Shayne Cook.

- Members visited the site and viewed the proposed building from within the application site and from the objector's garden at 151 Pontywindy Road.
- The impact of the proposed extension on the amenity of the objector's property was discussed with members querying what had changed since a previous refusal of planning consent at this site.
- Members were advised that the extension now proposed had been reduced in size to half that previous proposed and they were shown points on the floor of the site where the steel supports for the building would be sited.
- Members were further advised that the impact of the extension was mitigated by the presence of a large garden shed within the objectors property that would be immediately adjacent to the proposed extension.
- The objector showed the members around his garden and pointed to a vegetable patch to the rear of the garden sited between an existing large shed and the rear boundary wall.
- The existing storage building on the application site (which is proposed to be extended here) is to the southern side of the vegetable patch. The existing storage building was erected in 2002 and the vegetable patch is not currently in use.