



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH
ON WEDNESDAY, 22ND MAY 2019 AT 5:00PM

PRESENT:

Councillor M. Adams - Chair
Councillor A. Whitcombe - Vice-Chair

Councillors:

C. Andrews, A. Angel, M. Davies, J.E. Fussell, R.W. Gough, D. Hardacre, A. Hussey, B. Miles, J. Ridgewell, J. Simmonds, J. Taylor and R. Whiting.

Together with:

T. Stephens (Development Control Manager), R. Crane (Solicitor), G. Mumford (Senior Environmental Health Officer), C. Boardman (Principal Planner), C. Powell (Principal Planner), A. Pyne (Senior Planner) and A. Dredge (Committee Services Officer).

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs E.M. Aldworth, J. Bevan, A.G. Higgs, Mrs G. Oliver and T. Williams.

2. DECLARATIONS OF INTEREST

Declarations of interest were received at the start and during the course of the meeting as follows: Agenda Item No. 4 (18/1081/FULL) – Councillor B. Miles, Agenda Item No. 10 (19/0283/FULL) – Mr T. Stephens, Agenda Item No. 11 (19/0107/NCC) – Councillor A. Whitcombe. Details are minuted with the respective item.

3. MINUTES – 17TH APRIL 2019

It was moved and seconded that the minutes of the meeting held on the 17th April 2019 be agreed as a correct record and by a show of hands this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee held on 17th April 2019 (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. 18/1081/FULL – GELLIARGWELLT UCHAF FARM, GELLIGAER ROAD, GELLIGAER, HENGOED, CF82 8FY

Councillor B. Miles declared a personal and prejudicial interest in that a close relative owns land in Merthyr Tydfil County Borough which is given over to quarrying and is perceived to be in competition with the applicant's business and left the Chamber when the application was discussed.

It was noted that the application has been subject to a site visit on the 20th May 2019.

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 was 1 abstention this was agreed by the majority present.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report and the following additional condition this application be granted;

Additional Condition (02)

Prior to the commencement of works on site detailed construction plans of the lagoon (including cross-sectional drawings, and an analysis of the need for the aeration of the pond with any measures identified for that purpose) shall be submitted to and approved in writing by the Local Planning Authority. All constructions works shall be carried out in accordance with the approved plans.

Reason

In the interest of the hydrogeology of the area and Nelson SSSI, in accordance with policies CW4 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Additional Condition (03)

Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period.

Reason

In the interest of the hydrogeology of the area and Nelson Bogg SSSI, in accordance with policies CW4 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Additional Condition (04)

Prior to the commencement of the development a scheme for drainage, which shall identify the source of the lagoon water, the destination of any outfalls, and the means of pollution control, shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and retained in perpetuity.

Reason

In the interest of the hydrogeology of the area and Nelson Bogg SSSI, in accordance with policies CW4 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- (ii) the applicant be advised that it is an offence to obstruct a public right of way. There is one public right of way affected by the proposed and further public rights of way in the vicinity of this application. The planning permission does not authorise the stopping up or diversion of the public right of way. The public right of way may be stopped up or diverted by Order under section 257 of the Town and County Planning Act 1990, provided that the order is made before the development is carried out. If the public right of way is obstructed before the Order is made, the order cannot proceed until the obstruction is removed.
- (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.

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.

If any coal mining feature is 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/coalauthority.

5. CODE NO. 19/0099/FULL – 3 VALE VIEW, TABOR ROAD, MAESYCWMMER, HENGOED, CF82 7PW

It was noted that this application had been subject to a site visit on the 20th May 2019.

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) subject to the conditions contained in the Officer's report and the following amended condition this application be granted;

Amended Condition (04)

Notwithstanding the approved plans, the proposed parking area shall provide 3 off-street car parking spaces and shall be completed in permanent materials, details of which shall be submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the beneficial occupation of the development hereby approved.

Reason

In the interest of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021.

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

6. CODE NO. 18/0616/FULL – CAERLLWYN GANOL FARM, TWYN-GWYN ROAD, MYNYDD ISLWYN, NEWPORT, NP11 7AJ

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) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised of the comments of the Rights of Ways Officer, the Council's Ecologist, Dwr Cymru/Welsh Water and the Head of Public Protection.

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

7. PREFACE ITEM CODE NO. 17/0804/OUT – VIRGINIA PARK GOLF CLUB AND DRIVING RANGE, VIRGINIA PARK, CAERPHILLY

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 6 against this was agreed by the majority present.

RESOLVED that: -

- (i) the application be deferred to allow the applicant to enter into a Section 106 Obligation;
- (ii) on completion of the Section 106 Obligation and subject to the conditions contained in the Officer's original 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, CW4 and CW6;
- (iv) 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 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.

It is recommended that information outlining how the former mining activities affect the proposed development, along with 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 circumstances 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/publication/building-on-or-within-the-influencing-distance-of-entries>.

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.

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](http://www.gov.uk/government/organisations/the-coal-authority).

- (v) the applicant be advised of the comments from Dwr Cymru/Welsh Water, Wales and West Utilities, the Council's Landscape Architect, the Council's Senior Engineer (Land Drainage), the Council's Transportation Engineer Services Manager and the Council's Ecologist.

8. CODE NO. 18/0795/FULL – FORMER WHITE HART INN, WHITE HART, MACHEN

Mr C Jackson a resident and Councillor D. Havard spoke in objection to the application and Mr R. Chichester the applicant's agent spoke in support of the application.

It was noted that the application had been subject to a site visit held on the 20th May 2019.

The Principal Planning Officer updated Members on Ecological considerations including additional Bat Survey work carried out and the Council Ecologist's updated response. It was also advised that due to land ownership issues and to comply with legislation, were Members minded to approve the application that a period of 21 days would be required to elapse prior to the decision being issued.

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) subject to the conditions contained in the Officer's report, the deletion of existing condition 20 as detailed and a new condition 20 added, together with a further 5 additional conditions (21-25) this application be granted;

New Condition (20)

Prior to the demolition of the existing Public House building a detailed Bat Method Statement prepared by a competent ecologist shall be submitted for

the written approval of the Local Planning Authority. The Bat Method Statement shall include mitigation measures for both temporary and permanent roosts. The demolition and subsequent development shall be undertaken in accordance with the approved method statement.

Reason

To ensure proper measures are taken to safeguard the habitat of bats, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales and Tan 5 Nature Conservation and Planning (2009) in accordance with policy SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Additional Condition (21)

Prior to the commencement of the development details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

Reason

To ensure adequate protection to protected species in accordance with policy SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Additional Condition (22)

The demolition and/or site vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority

Reason

To ensure that breeding birds are protected. 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 in accordance with policy SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Additional Condition (23)

Prior to the commencement of any works on site, details of the provision of roost sites for Bats and nesting sites for House sparrow as stipulated in Section 6 of the submitted Bat Survey Report, dated March 2019, shall be submitted to the Local Planning Authority for written approval. The approved details shall be implemented before the development hereby approved is first occupied.

Reason

To ensure proper measures are taken to safeguard the habitat of protected species present on the application site, in the interests of biodiversity, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales and Tan 5 Nature Conservation and Planning (2009) in accordance with policy SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Additional Conditional (24)

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

Reason

To ensure proper measures are taken to safeguard the habitat of protected species present on the application site, in the interests of biodiversity in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales and Tan 5 Nature Conservation and Planning (2009) in accordance with policy SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Additional Condition (25)

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 Rhododendron and Cotoneaster on site. The treatment of Rhododendron and Cotoneaster shall be carried out in accordance with the approved details.

Reason

It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act" . Cotoneaster and Rhododendron are included within this schedule and therefore must be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991 in accordance with policy SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- (ii) the applicant be advised of the comments of the Council's Land Drainage Officer, Coal Authority and Dwr Cymru/Welsh Water;
- (iii) the applicant be advised that prior to commencing any development works the developer is advised to contact Dwr Cymru/Welsh Water on 0800 085 3968 to establish the location and status of their apparatus in relation to the site. In accordance with the Water Industry Act 1991, Dwr Cymru/Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. Should the proposed development be located within the protection zones of any sewer crossings, there would be a requirement to divert the public sewers, which can be applied for under Section 285 or the Water Industry Act 1991.
- (iv) 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.

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-influencingdistance-of-mine-entries>.

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.

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.

9. CODE NO. 18/0907/FULL – LAND AT GRID REF 315569 188254, HEOL-Y-DDOL, CAERPHILLY

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) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised of the comments from Dwr Cymru/Welsh Water and Natural Resources Wales.

10. CODE NO. 19/0283/FULL – 70 HAZEL GROVE, CAERPHILLY, CF83 3BP

Mr T. Stephens declared a personal and prejudicial interest in that the applicant's agent is known to him and left the Chamber when the report was discussed.

It was noted that the application had been subject to a site visit on the 20th May 2019.

Councillor P. Bevan spoke in objection to the application; the applicant who had been advised did not speak.

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 3 against 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 this permission: CW2 and CW3;
- (iii) the applicant be advised that the 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/organisation/the-coal-authority.

11-14. ITEMS FOR INFORMATION

Councillor A. Whitcombe wished it noted that he had a personal interest with regard to application 19/0107/NCC detailed within the list at Agenda Item No. 11 (Applications Determined by Delegated Powers), in that the owner is well known to him. Councillor Whitcombe was advised that as the item was for information only there was no requirement for him to leave the Chamber.

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 7.00pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 19th June 2019, they were signed by the Chair.

CHAIR