



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 9TH OCTOBER 2019 AT 5:00PM

PRESENT:

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

Councillors:

Mrs E.M. Aldworth, J. Bevan, M. Davies, R.W. Gough, , A. Hussey, B. Miles, J. Ridgewell, J. Taylor, and R. Whiting.

Together with:

T. Stephens (Planning Services Manager), R. Crane (Solicitor), R. Kyte (Head of Regeneration and Planning), L. Cooper (Engineer, Highway Planning), M. Godfrey (Senior Environmental Health Officer), C. Boardman (Principal Planner), C. Powell (Principal Planner), A. Pyne (Senior Planner), J. Cooke (Senior Planner) and E. Sullivan (Senior Committee Services Officer).

And:

Councillor E. Stenner – (Cabinet Member for Environment and Public Protection)

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors C. Andrews, A. Angel, J.E. Fussell, D. Hardacre, A.G. Higgs, Mrs G.D. Oliver, J. Simmonds and T.J. Williams.

2. DECLARATIONS OF INTEREST

A declaration of interest was received at the start of the meeting as follows: Agenda item No. 5 19/0709/FULL, Councillor A. Whitcombe. Details are minuted with the respective item.

3. MINUTES – 11TH SEPTEMBER 2019

It was moved and seconded that the minutes of the meeting held on the 11th September 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 11th September 2019 be approved and signed as a correct record.

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT

4. **CODE NO. 19/0654/NCC – LAND AT GRID REF 318978 197966, OAKDALE GOLF COURSE LANE, OAKDALE.**

Mr D. Williams and Councillor R. Saralis spoke in objection to the application; the Applicant's Agent who had been advised and was present at the meeting did not speak.

It was noted that the application had been subject to a site visit which had been held on Monday 7th October 2019.

The Chair encouraged Members to make every effort to attend site visits going forward.

Following consideration of the application it was moved and seconded that subject to an amendment to Condition (2) the recommendation contained within the Officer's report be approved and by a show of hands and in noting there were 3 against and 2 abstention this was agreed by the majority present.

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

Amended Condition (2)

This permission is solely for plots 88 to 93 as shown on drawings 609/SP-01 Rev W, 10075-100-01 Rev S and 10075-100-02 Rev O, and the associated parking area and refuse provision for that block of dwellings. The remainder of the housing estate shown on that drawing shall be carried out in accordance with the details agreed in accordance with outline planning permission APP/K6920/A/16/3160200, and reserved matters approval 17/1095/RM, and the details subsequently agreed with the Local Planning Authority in respect of the conditions on those consents.

Reason

For the avoidance of doubt as to the extent of this consent.

5. **CODE NO. 19/0709/FULL – EBBW LODGE, EBBW TERRACE, ABERCARN, NEWPORT, NP11 4SN**

Councillor A. Whitcombe declared a person and prejudicial interest as the application is for his own residence and left the Chamber when the application was discussed.

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

- (iii) the applicant be advised of the comments of the Senior Engineer (Land

Drainage).

6. CODE NO. 19/0619/FULL – 2 PRINCES AVENUE, CAERPHILLY, CF83 1HS

Following consideration of the application it was moved and seconded that subject to an amendment to Condition (4) 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 (4)

Notwithstanding the approved plans prior to the commencement of any works on site 2 no. off street parking spaces shall be provided within the curtilage of and to serve the property at No. 2 Princess Avenue in accordance with a scheme to be agreed in writing with the Local Planning Authority and shall be maintained thereafter free of obstruction for parking of motor vehicles only.

Reason

In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- (ii) the applicant be advised that a registered Asbestos contractor should remove any asbestos within the boundary of the development.
- (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 cavities 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 1982 (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 772400).
- (v) 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.

- (vi) the applicant be advised of the comments of Dwr Cymru/Welsh Water.

7. CODE NO. 19/0320/FULL – 17 CHERITON AVENUE, CEFN HENGOED, HENGOED, CF82 7JA.

Members expressed concern in relation to Public Right of Way adjacent to this application and how it could be best safeguarded, whether this is by the erection of fencing or signage was discussed and Members requested that Rights of Way Officers and the Rights of Way Cabinet Sub Committee be informed of the comments made by the Planning Committee in this regard.

The Planning Services Manager confirmed that he would write to counterparts in Countryside Services to highlight this Right of Way and the Committee's concerns.

Following consideration of the application it was moved and seconded that subject to the inclusion of an additional condition requiring the applicant to erect suitable fencing to safeguard the public right of way this application be granted, by a show of hands and in noting there were 7 against and 1 abstention the motion was declared lost.

It was then 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 2 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 proposed development lies within an area that has been defined by the Coal Board 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 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 all of 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>

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.

13-16. 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.

In relation to Application No.18/0415/OUT – listed on page 56 of Applications Awaiting Completion of a Section 106 Agreement, assurances were sought that the matter would be brought before the Planning Committee to consider the reserved matters stage of the development. The Planning Services Manager confirmed that this would be the case.

The meeting closed at 6.30pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 6th November 2019, they were signed by the Chair.

CHAIR