



## PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 8<sup>TH</sup> JULY 2020 AT 10:00AM

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#### PRESENT:

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

#### Councillors:

Mrs E.M. Aldworth, A. Angel, J. Bevan, M. Davies, J.E. Fussell, R.W. Gough, A.G. Higgs, A. Hussey, B. Miles, Mrs G.D. Oliver, J. Ridgewell, J. Simmonds, J. Taylor, A. Whitcombe, R. Whiting and T.J. Williams.

#### Together with:

R. Kyte (Head of Planning and Regeneration), R. Thomas (Planning Services Manager), M. Woodland (Solicitor), M. Godfrey (Senior Environmental Health Officer), C. Boardman (Principal Planner), C. Powell (Principal Planner), E. Rowley (Senior Planner), C. Campbell (Manager, Transport Engineering), L. Cooper (Highways Engineer) A. Pyne (Senior Planner) and E. Sullivan (Senior Committee Services Officer).

#### 1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors C. Andrews and D. Hardacre.

#### 2. DECLARATIONS OF INTEREST

At the commencement of the meeting, Councillor B. Miles declared a personal interest only in Agenda Item No. 6 (Application Code No. 20/0260/FULL) and Agenda Item No. 7 (Application Code No. 20/0293/FULL) in that her relatives farm land adjacent to the proposed development. As this was a personal interest there was no requirement for her to leave the meeting and she could take full part in the debate and vote.

Councillor M. Adams declared a personal and prejudicial interest in relation to Agenda Item No. 4 (Application Code No. 20/0047/OUT) in that he lives in close proximity to the site and as such it could be viewed that his home and enjoyment of it would be directly affected by the proposed development and he left the meeting when the application was considered and took no part in the debate or decision.

Councillor J. Ridgewell also declared a personal and prejudicial interest in relation to Agenda Item No. 4 (Application Code no. 20/0047/OUT) in that the Applicant's Planning Agent is known to him as they both sit on the Board for Fields in Trust and they have previously

worked together and he left the meeting when the application was discussed. Details are also minuted with the respective item.

### **3. MINUTES – 17<sup>TH</sup> JUNE 2020**

It was moved and seconded that the minutes of the meeting held on the 17<sup>th</sup> June 2020 be agreed as a correct record and by a show of hands-up this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee held on 17th June 2020 (minute nos. 1-5) be approved as a correct record.

### **4. PREFACE ITEM CODE NO. 20/0047/OUT – LAND AT FORMER PONTLLANFRAITH HOUSE, BLACKWOOD ROAD, PONTLLANFRAITH, NP12 2YW**

Councillor M. Adams declared a personal and prejudicial interest in that he lives in close proximity to the site and as such it could be viewed that his home and enjoyment of it would be directly affected by the proposed development and he left the meeting when the application was considered and took no part in the debate or decision.

Councillor J. Ridgewell declared a personal and prejudicial interest in that the Applicant's Planning Agent is known to him as they both sit on the Board for Fields in Trust and they have previously worked together, and he left the meeting when the application was discussed.

Following consideration of the application a motion was moved and seconded that the application be deferred until such time as a site visit can take place in order to clarify the boundary and scope of the Harold Finch Memorial Park. In noting there were 6 For and 8 Against the motion was lost.

It was then moved and seconded that the recommendation contained within the Officer's report be approved and in noting there were 9 For, 5 Against and 1 Abstention this was agreed by the majority present.

Members requested that if it were possible the proposed residential development be named after Sir Harold Finch, Officers advised that it would not be possible to require this as a condition of the application but would take the matter forward to the applicant for their consideration.

RESOLVED that: -

- (i) The application first be referred to the Welsh Minister, in the event that no objections are raised by the Minister, that the application be deferred to allow the applicants to enter into a Section 106 Obligation as set out in the Officer's report and on completion of satisfactory obligations that planning permission be GRANTED subject to the conditions contained in the Officer's report;
- (ii) 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 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 circumstances where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed within 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: [www.groundstability.com](http://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 8648. 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).

- (iii) The applicant be advised that SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

From 7<sup>th</sup> January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring that all new developments of more than one house or where the construction areas is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)

Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

- (iv) The applicant be advised of:

Notification of initiation of development display notice: you must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990.

Notice of initiation of development: before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to Town and Country Planning (development Management procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of Notice: the person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and Council Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect.

The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out the development must ensure the notice is:

- (a) Firmly affixed and display in a prominent place at or near the place where the development is being carried out;
  - (b) Legible and easily visible to the public without having to enter the site; and
  - (c) Printed in durable material. The person carrying out the development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.
- (v) The applicant be advised of the comments of Dwr Cymru/Welsh Water, Western Power Distribution, Senior Engineer (Land Drainage), Council's Ecologist, Senior Arboricultural Officer (Trees), Landscape Architect, Transportation Engineering Manager, Head of Public Protection, Rights of Ways Officer, The Coal Authority and National Resources Wales.

**5. PREFACE ITEM CODE NO. 19/0857/FULL – SAER COED, LOAD OF HAY ROAD, CRUMLIN, NP11 3AY**

The Planning Officer confirmed that since Planning Committee's decision on the 18<sup>th</sup> March 2020 to defer the application, the applicant had lodged an appeal with the Planning Inspectorate against non-determination, as the period during which a dual jurisdiction could take place had now expired, the Planning Committee could no longer make a formal determination on the application. However, the Planning Committee can provide a resolution on how they would have determined the application if given the opportunity as part of the appeal process.

Following consideration of the Officer's Preface Report it was moved and seconded that the recommendation contained within the Officer's original report be approved and in noting there were 13 For, 2 Against and 2 Abstentions this was agreed by the majority present.

RESOLVED that planning permission would be GRANTED subject to the conditions contained in the Officer's original report, if the Planning Committee had jurisdiction to determine the application.

**6. CODE NO. 20/0260/FULL – GELLIARGWELLT UCHAF FARM, GELLIGAER ROAD, GELLIGAER, HENGOED, CF82 8FY**

A statement was read on behalf of residents in objection to the application.

Councillor A. Gair, Local Ward Member spoke on behalf of her Ward Colleagues and Residents in objection to the application.

A statement from the Applicant's Agent on behalf of the Applicant in support of the application was read to the Committee. The Chair confirmed that this statement applied to both this and the next application from Price and Co. Farming Limited and advised the Committee that should they wish to hear this statement again or any part it when considering the next item, he would be happy to re-read it.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and in noting there were 15 For, 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 of the comments of National Resources Wales, Rights of Way Officer and Senior Engineer (Land Drainage);
- (iii) The applicant be advised that SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT

From 7<sup>th</sup> January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring that all new developments of more than one house or where the construction areas is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

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Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

**7. CODE NO. 20/0293/FULL – GELLIARGWELT UCHAF FARM, GELLIGAER ROAD, GELLIGAER, HENGOED, CF82 8FY**

A statement was read on behalf of local residents in objection to the application.

Councillor A. Gair (Local Ward Member) spoke of behalf of her Ward Colleagues and Residents in objection to the application.

The Chair read sections from the statement from the Applicant's Agent in support of the application as requested by the Committee.

Following consideration of the application it was moved and seconded that subject to the conditions contained within the Officer's report and additional conditions in relation to the importation of soil and seeding programme the recommendation contained in the Officer's report be approved and in noting there were 11 For, 2 Against and 2 Abstentions this was agreed by the majority present.

RESOLVED that: -

- (i) Subject to the conditions contained in the Officers report and the following additional conditions this application be GRANTED;

Additional Conditional (04)

Within 3 months of the date of the permission a report shall be submitted by the applicant for the written approval of the Local Planning Authority. This report shall include details of any soils or hardcore that have been brought on to site in respect of the construction of the lagoon and associated engineering works 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'. The report shall identify (if appropriate) any measures requiring testing and/or mitigation measures to address any contamination issues together with a timescale for these remedial works. All identified works shall thereafter be carried out in accordance with the approved scheme and timescale(s) contained therein.

**Reason**

In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

**Additional Condition (05)**

Within 2 months of the date of the permission the applicant shall submit for the written approval of the Local Planning Authority a scheme to include details of further seeding works for the lagoon and associated embankments. The scheme shall include a timetable for its implementation. The scheme as agreed in writing by the Local Planning Authority shall be implemented in accordance with the agreed details and timescales.

**Reason**

In the interests of the visual amenity of the Special Landscape area and character of the area in accordance with policies CW4, NH1.3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- (ii) 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 considered that the building over or within influencing distances 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 within regulatory bodies which takes into account all of the relevant safety and environmental risk factors, including gas and mine-water. The applicant's 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 or 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](http://www.groundstability.com) or 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).

- (iii) The applicant be advised of the comments of The Fire Officer and National Resources Wales.

The meeting closed at 12.50pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 12th August 2020.

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CHAIR