



## **PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 19TH MAY 2021 AT 5:00 PM**

#### **PRESENT:**

Councillor R. Saralis – Chair  
Councillor E.M. Aldworth – Vice-Chair

#### **Councillors:**

M. Adams, C. Andrews, M. Davies, J. Fussell, R.W. Gough, L. Harding, A. Hussey, B. Miles, J. Ridgewell, J. Simmonds

Cabinet Member: A. Whitcombe (Sustainability, Planning and Fleet)

#### **Together with:**

M. Woodland (Senior Solicitor), R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), C. Boardman (Area Principal Planner), C. Powell (Area Principal Planner), J. Cooke (Planning Officer), D. Lucas (Team Leader, Strategic Planning), L. Cooper (Assistant Engineer), M. Godfrey (Team Leader - Pollution Control and Emergency Planning & Resilience), R. Barrett (Committee Services Officer)

### **PLANNING COMMITTEE MEMBERSHIP CHANGES**

The Chair referred to recent changes to Planning Committee membership and welcomed the new Members to the Committee and thanked the departing Members for their service.

### **RECORDING AND VOTING ARRANGEMENTS**

The Chair reminded those present that the meeting was being recorded and would be made available following the meeting via the Council's website – [Click Here to View](#)  
Members were advised that voting on decisions would be taken by way of roll call.

#### **1. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors J. Bevan, A. Dix, A.G. Higgs, and J. Taylor.

#### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest received at the commencement or during the course of the meeting.

### **3. MINUTES – 17TH FEBRUARY 2021**

It was moved and seconded that the minutes of the meeting held on the 17th February 2021 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 February 2021 (minute nos. 1-5) be approved as a correct record.

### **4. MINUTES – 3RD MARCH 2021**

It was moved and seconded that the minutes of the meeting held on the 3<sup>rd</sup> March 2021 be agreed as a correct record and by a show of hands-up this was agreed by the majority present.

RESOLVED that the minutes of the Planning Committee held on 3<sup>rd</sup> March 2021 (minute nos. 1-5) be approved as a correct record.

Councillor R. Gough wished it noted that he had abstained from voting on the minutes as he had not been present at the last meeting.

### **5. CODE NO. 20/0983/NCC - LAND WEST OF CORONATION TERRACE, SENGHENYDD, CAERPHILLY**

The Planning Case Officer presented the application, with it confirmed in the accompanying report that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11.

Following consideration of the application it was moved and seconded that the recommendation in the Officer's report be approved, and in noting there were 9 For, 0 Against and 1 Abstention this was agreed by the majority present.

Councillor J. Ridgewell wished it noted that he had abstained from voting as he not been present for the whole item.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report the application be GRANTED;
- (ii) the applicant be advised of the attached comments from Dwr Cymru/Welsh Water and Western Power Distribution;
- (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 at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former 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 new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the

foundations), is 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 land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. The applicant's attention is drawn to the Coal Authority Policy in relation to new development and mine entries available through the following link: [Coal Authority Policy](#)

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, excavations for 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.

If any 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](#)

- (iv) the applicant be advised that mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.
- (v) The applicant be advised that SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT

From 7th 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)

- (vi) The applicant be advised of the following:

Notification of initiation of development and display of 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. The duties include:

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 the 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 country 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 displayed 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 on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

**6. CODE NO. 21/0055/FULL - LAND AT GRID REF 316873 201344, ABERNANT ROAD, MARKHAM.**

The Planning Case Officer presented the application, with it confirmed in the accompanying report that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11.

Councillor W. Williams spoke on behalf of local residents in objection to the application and Mr S. Howell (the applicant) spoke in support of the application.

Following consideration of the application it was moved and seconded that the recommendation in the Officer's report be approved, and in noting there were 12 For, 0 Against and 0 Abstentions this was unanimously agreed.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report the 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](#).
- (iii) 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.
- (iv) The applicant be advised that SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT From 7th 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.

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

## **7. CODE NO. 21/0225/NCC - THE OLD QUARRY, CEMETERY ROAD, ABERCARN, NEWPORT.**

The Planning Case Officer presented the application, with it confirmed in the accompanying report that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11.

Mr M. Hiller and Councillor A. Whitcombe spoke on behalf of local residents in objection to the application. Councillor Whitcombe highlighted that he was speaking as the local ward member and not in any other capacity and left the meeting after making his statement and re-joined once the decision on the application had been reached.

Mr R. Timmins (the applicant's agent) spoke in support of the application.

During the course of the debate, it was moved and seconded that temporary planning consent be granted for 12 months to allow the Local Planning Authority to monitor the impact of the development on the residential amenity and highway safety of the area.

An amendment was moved and seconded to defer the application to the next meeting to allow for Traffic Management discussions around highway safety and the turning circle at the

site. Following debate, the seconder withdrew their support for the amendment which subsequently did not progress to a vote.

An amendment was then moved and seconded for the application to be granted as per the recommendation in the Officer's report, and in noting there were 2 For, 10 Against and 0 Abstentions, the amendment was declared lost.

Voting then took place on the substantive motion and in noting there were 10 For, 2 Against and 0 Abstentions 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 the application be GRANTED for a temporary period of 12 months;

In order to monitor compliance with these conditions and in order for the Local Planning Authority to consider the impacts of the changes to the conditions on the amenity of the area it is considered that any consent granted should be subject to a temporary period of 12 months, conditioned as follows: -

Additional Condition (14)

The use hereby permitted shall be discontinued on or before 31<sup>st</sup> May 2022.

Reason

In the interests of residential amenity in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021

**8. CODE NO. 21/0232/RET - THE GARAGE, WOODFIELD STREET, WOODFIELD SIDE, PONTLLANFRAITH, BLACKWOOD.**

The Planning Case Officer presented the application, with it confirmed in the accompanying report that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11.

Mrs K. Wynn and Councillor B. Zaplatynski spoke on behalf of local residents in objection to the application and Mr S. Groucott (the applicant's agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that the recommendation in the Officer's report be approved, and in noting there were 11 For, 0 Against and 0 Abstentions this was unanimously agreed.

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

**9. FUTURE WALES - ISSUES AND CONSIDERATIONS - PRESENTATION**

Mr Dave Lucas (Team Leader, Strategic Planning) gave a comprehensive overview of Welsh Government's recently published national development framework document (Future Wales) and its context in terms of planning decision-making in Wales.

Members were advised that Future Wales forms part of the Development Plan for Wales and is a material consideration in the determination of planning applications. Since 24th February

2021 it is a requirement that all development management decisions take account of Future Wales. Mr Lucas summarised the planning system and the policy structure for making decisions and it was noted that most development management decisions are taken at a local level, although Welsh Government are responsible for determining nationally significant planning applications.

It was explained that Future Wales is split into national policies that apply across the whole of Wales and regionally specific policies that apply to each of the four identified regions in Wales. Members received an overview of the three statutory tiers to the Development Plan for Wales, namely the National Development Framework (Future Wales), Strategic Development Plans and Local Development Plans, with it noted that Development Management decisions must take account of all three tiers in their decision-making considerations (and not just the LDP). To assist in this, it is a requirement that lower tier plans are in general conformity with those plans in the higher tiers, meaning that the SDP will be required to be in general conformity with Future Wales, whilst the LDP will need to be in general conformity with both the SDP and Future Wales.

Mr Lucas then gave a detailed overview of Policies 1-18 that underpin the Future Wales document at a national level and highlighted the policies that are particularly relevant or contentious for Caerphilly County Borough (which sits under the South East region of Wales).

It was noted that Strategic Placemaking Principles (Policy 2) express a need to support the economic and social success of towns and cities, including sustaining public transport and facilities, and urban growth and regeneration, and should increase the population density of our towns and cities. New developments in urban areas should aim to have a density of at least 50 dwellings per hectare (net), with higher densities in more central and accessible locations.

Under Town Centres First (Policy 6), developments of a significant scale can broadly be defined as where the facility will serve a town, city or region-wide catchment. It is for planning authorities to determine whether a development is considered to be of a significant scale. National/Regional Connectivity (Policies 11-12) require Active Travel to be an integral component of all new development, and planning authorities must act to reduce parking levels in urban areas, whilst non-residential development must have 10% car parking spaces with charging points. Under Policy 16 (Heat Networks), Caerphilly town has been identified as a priority area for heat networks and in priority areas, planning authorities should identify opportunities for heat networks and plan positively for them. The Committee were also referred to Policy 19, which sets out the strategic policies for regional planning and the need for SDPs to embed placemaking as an overall principle.

Members were then provided with an overview of Policies 33-36 which are applicable to the South East region. Policy 33 identifies Cardiff, Newport and the Valleys as an area for national growth and WG supports co-ordinated regeneration and investment in the Valleys area to improve well-being, increase prosperity and address social inequalities.

Policy 34 introduces the requirement for the SDP to identify a greenbelt in the area to the north of Cardiff and Newport and the eastern part of the region. The key policy element is that LDPs and development management decisions should not permit development in areas shown for the consideration of greenbelts until the need for the greenbelt and its boundaries have been established in SDPs. This raises a significant issue as the regional diagram is an illustrative diagram and consequently it is impossible to determine the area boundaries for the greenbelt. This issue is more pertinent for LDP preparation but it could raise issues if development proposals are proposed in this area. It was noted that this requirement covers all forms of development proposals in this area.

Policy 35 supports the principle of the Valleys Regional Park and the proposals that establish it. Welsh Government will work with local authorities, the third sector and key partners to support the Valleys Regional Park and maximise opportunities for new development. Meanwhile, Policy 36 supports the development of the South East Metro and requires SDP and LDP policies to support its development. The key issue here is that planning authorities should plan for growth and regeneration around new and improved metro stations by identifying opportunities for higher density, mixed use and car free development.

Following the presentation, a Member sought clarification on the increase in proposed dwelling density under Policy 2 of Future Wales. Mr Lucas confirmed that this policy aspires for an increase from the average of 35 dwellings per hectare to at least 50 dwellings per hectare which may create significant issues around planning considerations.

A query was also received regarding the uncertainty around greenbelts and how/when the Authority would need to take this into consideration for planning applications. It was confirmed that all planning decisions as of 24<sup>th</sup> February 2021 need to take account of Future Wales in their determination; however, the issue is that Caerphilly county borough falls on the very edge of the greenbelt, so there is uncertainty around where these areas of consideration are, and they will not be established until the Strategic Development Plan begins its preparations and starts considering this issue. The matter has been raised with WG who have confirmed that they will take an understanding view of how the Authority addresses this issue in the meantime. Concerns were expressed that this may create difficulties for the planning authority going forward until the specifics around this particular policy are resolved.

Having considered the presentation, the Planning Committee noted its contents and Mr Lucas was thanked for his in-depth and informative update. Mr Lucas also confirmed that he would circulate the presentation slides to the Committee following the meeting and invited Members to contact him with any further questions they may have.

## **10. CHAIR'S ANNOUNCEMENT**

Before concluding the meeting, the Chair announced that Mr Chris Boardman (Area Principal Planner) would shortly be leaving the Planning Department to take up a position elsewhere in the Authority. The Chair asked Members to remain in the session once the recording had stopped in order to thank Mr Boardman and wish him well in his new role.

The meeting closed at 7:43 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 16th June 2021.

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CHAIR