



## PLANNING COMMITTEE

### MINUTES OF THE MULTI-LOCATIONAL MEETING HELD AT PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON WEDNESDAY, 28TH SEPTEMBER 2022 AT 5:00 PM

#### PRESENT:

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

#### Councillors:

M. A. Adams, A. Angel, R. Chapman, N. Dix, G. Ead, J. Fussell, A. Hussey, B. Miles, M. Powell, J. Taylor, S. Williams, K. Woodland

Cabinet Member: Councillor P. Leonard (Planning and Public Protection)

#### Together with:

R. Tranter (Head of Legal Services and Monitoring Officer), R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), C. Powell (Team Leader Development Management), A. Pyne (Principal Planner), E. Rowley (Principal Planner), L. Cooper (Assistant Engineer), M. Godfrey (Team Leader - Pollution Control and Emergency Planning & Resilience), V. Julian (Senior Solicitor), R. Barrett (Committee Services Officer), J. Lloyd (Committee Services Officer)

### RECORDING, FILMING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being live-streamed and 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 via Microsoft Forms.

#### 1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors D. Ingram-Jones and A. Whitcombe, together with C. Campbell (Transportation Engineering Manager).

#### 2. DECLARATIONS OF INTEREST

Councillor G. Ead declared a personal interest in [Agenda Items No. 4, 5, 6 and 7 \(19/0787/COU, 19/0788/LBC, 19/0789/COU and 19/0790/LBC\)](#) as a member of the Ruperra Castle Preservation Trust, and remained in the meeting during consideration of the applications. Details are also minuted with the respective items.

Councillor M. Adams sought advice from the Monitoring Officer on Agenda Item No. 8 (21/0877/FULL) as his wife is a former employee of the business owned by the applicant. It was established that his wife was employed some years ago, and on receiving advice he decided that he had no personal interest to declare.

### **3. MINUTES – 10TH AUGUST 2022**

It was moved and seconded that the minutes of the meeting held on the 10th August 2022 be agreed as a correct record. By way of Microsoft Forms (and in noting there were 13 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee held on 10th August 2022 (minute nos. 1-5) be approved as a correct record.

### **4. APPLICATION NO. 19/0787/COU - RUPERRA CASTLE ESTATE, RUDRY ROAD TO CRAIG LLAN, RUDRY**

Councillor G. Ead declared a personal interest in this item as a member of the Ruperra Castle Preservation Trust, and remained in the meeting during consideration of the application.

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.

It was also noted in the report that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority. The effect of the direction means if Members were minded to approve the application the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination.

Mr A. Williams (representing objectors) and Councillor C. Morgan (Local Ward Member) spoke in objection to the application and Mr Alkhafaji (Applicant) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to it being noted that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority and the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination, the recommendation in the Officer's report be approved. By way of Microsoft Forms and verbal confirmation (and in noting there were 7 for, 2 against and 5 abstentions) this was agreed by the majority present.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report the application be GRANTED subject to it being noted that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority and the application will be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination;
- (ii) the applicant's attention be drawn to the Landscape and Ecological Management Plan required under planning condition should include all

those matters detailed in Natural Resources Wales consultation letter for 19/0787/COU dated 25.06.21 (NRW ref CAS-153570-Z9Y7);

- (iii) the applicant be reminded that it is an offence to obstruct a public right of way. There are three public rights of way in the area of this application, one of which, Footpath 1 Llanfedw, is obstructed. The planning permission does not authorise the stopping up or diversion of the public rights of way. The public rights of way may be stopped up or diverted by Order under section 257 of the Town and Country Planning Act 1990, provided that the order is made before the development is carried out. As the public right of way is currently obstructed any Order cannot proceed until the obstruction is removed. Should the applicant require further information regarding their responsibilities to the Public Right of Way, they are requested to contact the Rights of Way Officer;
- (iv) the applicant be advised that a European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require a EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at [Natural Resources Wales website](#).

## **5. APPLICATION NO. 19/0788/LBC - RUPERRA CASTLE ESTATE, RUDRY ROAD TO CRAIG LLAN, RUDRY**

Councillor G. Ead declared a personal interest in this item as a member of the Ruperra Castle Preservation Trust, and remained in the meeting during consideration of the application.

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.

It was also noted in the report that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority. The effect of the direction means if Members were minded to approve the application the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination.

Following consideration of the application it was moved and seconded that subject to it being noted that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority and the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination, the recommendation in the Officer's report be approved. By way of Microsoft Forms and verbal confirmation (and in noting there were 10 for, 1 against and 3 abstentions) this was agreed by the majority present.

RESOLVED that subject to the conditions contained in the Officer's report the application be GRANTED subject to it being noted that Welsh Government have issued a direction restricting the grant of permission by the Local Planning

Authority and the application will be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination.

**6. APPLICATION NO. 19/0789/COU - RUPERRA CASTLE ESTATE, RUDRY ROAD TO CRAIG LLAN, RUDRY**

Councillor G. Ead declared a personal interest in this item as a member of the Ruperra Castle Preservation Trust, and remained in the meeting during consideration of the application.

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.

It was also noted in the report that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority. The effect of the direction means if Members were minded to approve the application the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination.

Mr A. Williams (representing objectors) spoke in objection to the application and Mr Alkhafaji (Applicant) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to it being noted that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority and the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination, the recommendation in the Officer's report be approved. By way of Microsoft Forms and verbal confirmation (and in noting there were 11 for, 1 against and 2 abstentions) this was agreed by the majority present.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report the application be GRANTED subject to it being noted that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority and the application will be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination;
- (ii) the applicant be advised that any trees that are outside the "red line boundary" of this application and are proposed to be felled would need to be submitted separately as a Section 211 Notice. You are advised to contact the Council's Tree Officer for further advice;
- (iii) the applicant be advised that a European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require a EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at [Natural Resources Wales website](#)

**7. APPLICATION NO. 19/0790/LBC - RUPERRA CASTLE ESTATE, RUDRY ROAD TO CRAIG LLAN, RUDRY**

Councillor G. Ead declared a personal interest in this item as a member of the Ruperra Castle Preservation Trust, and remained in the meeting during consideration of the application.

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.

It was also noted in the report that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority. The effect of the direction means if Members were minded to approve the application the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination.

Following consideration of the application it was moved and seconded that subject to it being noted that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority and the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination, the recommendation in the Officer's report be approved. By way of Microsoft Forms and verbal confirmation (and in noting there were 11 for, 1 against and 2 abstentions) this was agreed by the majority present.

RESOLVED that subject to the conditions contained in the Officer's report the application be GRANTED subject to it being noted that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority and the application will be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination.

**8. APPLICATION NO. 21/0877/FULL - FAIR VIEW GARAGE, WOODLAND PLACE, PENGAM, BLACKWOOD, NP12 3QX**

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. By way of Microsoft Forms and verbal confirmation (and in noting there were 14 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 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 on the [Coal Authority Website – new development and 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, 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 also available on the [Coal Authority website](#);

- (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 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;

- (iv) The applicant be advised to refer to Public Access to view the comments of Dwr Cymru/Welsh Water, The Coal Authority and Environmental Health Manager.

The meeting closed at 6.42 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 9th November 2022, they were signed by the Chair.

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CHAIR