



## PLANNING COMMITTEE

### MINUTES OF THE MULTI-LOCATIONAL MEETING HELD AT PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON WEDNESDAY, 9<sup>TH</sup> NOVEMBER 2022 AT 5:00 PM

#### PRESENT:

Councillor R. Saralis – Chair

#### Councillors:

M. A. Adams, A. Angel, R. Chapman, J. Fussell, A. Hussey, D. Ingram-Jones, B. Miles, M. Powell, J. Taylor, A. Whitcombe and S. Williams.

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), J. Waite (Principal Planner), J. Burrows (Planning and Enforcement Officer), L. Cooper (Assistant Engineer), L. Carpenter (Environmental Health Officer), V. Julian (Senior Solicitor), S. Hughes (Committee Services Officer), J. Lloyd (Committee Services Officer) and J. Thomas (Committee Services Officer).

#### Also present to speak on applications:

Agenda Item 7 – Councillor N. George (Local Ward Member) and Miss S. Berry (Agent).

#### Also in attendance:

Cllr. A. Leonard.

## 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 were received from Councillors E. M. Aldworth (Vice Chair), N. Dix, G. Ead and K. Woodland.

## 2. DECLARATIONS OF INTEREST

Councillor B. Miles declared a personal and prejudicial interest in Agenda Item 4 (Preface Item Application No. 19/1018/OUT), due to living in close proximity to the Brooklands area, and as such left the meeting whilst the application was discussed. Details are also minuted with the respective item.

Councillor J. Taylor declared a personal and prejudicial interest in Agenda Item 6 (Application No. 22/0619/NCC), as a good friend has an interest in the land, which is the subject of the development, and as such he left the meeting whilst the application was discussed. Details are also minuted with the respective item.

## 3. MINUTES – 28TH SEPTEMBER 2022

It was moved and seconded that the minutes of the meeting held on the 28<sup>th</sup> September 2022 be agreed as a correct record. By way of Microsoft Forms (and in noting there were 9 for, 0 against and 0 abstentions) this was agreed by the majority present.

RESOLVED that the minutes of the Planning Committee meeting held on 28<sup>th</sup> September 2022 (minute nos. 1-8) be approved as a correct record.

The Planning Committee considered the applications in the order as noted below.

## 7. APPLICATION NO. 22/0207/RET - T G HOWELL AND SONS LIMITED, CLIFTON STREET, ROGERSTONE, RISCA, NEWPORT, NP10 9YU.

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 N. George spoke on behalf of residents in objection to the application and Miss S. Berry (Applicant's Agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that, subject to the amendment of Condition 2 and Condition 6, the recommendation in the Officer's report be approved. By way of Microsoft Forms (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 and the following amended conditions, the application be GRANTED.

### **Amended Condition (02):**

Unit 4 within the site shall not operate any machinery, no process shall be carried out, no deliveries taken or dispatched and no customer attendance to the site outside the following times:

- (a) 08:00 hours to 22:00 hours Monday to Saturday, and

(b) 09:00 hours to 17:00 hours Sunday and Bank Holidays.

**Reason**

In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

**Amended Condition (06)**

Unit 6 within the site shall not operate any machinery, no process shall be carried out, no deliveries taken or dispatched and no customer attendance to the site outside the following times:

(a) 07:00 hours to 18:00 hours Monday to Friday, and

(b) 08:00 hours to 13:00 hours Saturday.

No operation Sundays and Bank Holidays.

**Reason**

In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- (ii) 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.

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.

- (iii) 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](#).

**4. PREFACE ITEM APPLICATION NO. 19/1018/OUT - LAND AT GRID REF 310845 196295, BROOKLANDS, NELSON.**

Councillor B. Miles declared a personal and prejudicial interest in this item due to living in close proximity to the Brooklands area, and as such left 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.

Following consideration of the application it was moved and seconded that the application be deferred to allow the developer a further period to complete S106 but with delegated powers to refuse if the application is not determined within a timely period. By way of Microsoft Forms (and in noting there were 11 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the application be deferred to allow the developer a further period to complete the S106 planning agreement, but with delegated powers to Officers to refuse the planning application if it is not determined within a timely period.

**6. APPLICATION NO. 22/0619/NCC - AUSTIN GRANGE, MAES GLAS, SOUTH UL, CAERPHILLY, CF83 1LN.**

Councillor J. Taylor declared a personal and prejudicial interest in this item as a good friend has an interest in the land, which is the subject of the development, and as such he left the meeting whilst the application was discussed.

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 subject to the conditions contained in the Officer's report, the recommendation be approved. By way of Microsoft Forms (and in noting there were 11 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 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](#).

- (iii) THE APPLICANT BE ADVISED THAT SUSTAINABILITY DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

Please note from the 7<sup>th</sup> January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area 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 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](#).

- (v) The applicant be advised that the required strategy for the protection of reptiles should include, but not be exclusively limited to, a site timing and clearance methodology, identification of receptor site(s), reptile exclusion fencing, habitat management/enhancement, remedial measures and post development monitoring.
- (vi) The applicant be advised that the biodiversity strategy should include, but not be exclusively limited to, working methodologies including timing/phasing for clearance works, wildlife friendly drainage, provision of bird nesting boxes (average one nest box per unit), buffer to water courses, 100mm gaps under all fences and site protection measures for wildlife such as preventing entrapment in trenches etc.

**5. APPLICATION NO. 22/0743/RET - MCI LOGISTICS, UNIT B MCI BUSINESS CENTRE, 4-5 NEWTOWN INDUSTRIAL ESTATE, CROSSKEYS, NP11 7PZ**

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.

A request was made for the Committee to be verbally notified when the matter is resolved satisfactorily.

Following consideration of the application it was moved and seconded that the application be deferred to allow further information to be sought from the developer, with delegated powers to Officers to determine the application in due course when the further information is provided. By way of Microsoft Forms (and in noting there were 11 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that: -

- (i) the application be deferred to allow further information to be sought from the developer, with delegated powers to Officers to determine the application in due course when the further information is provided.

- (ii) THE APPLICANT BE ADVISED THAT SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT. Please note from the 7<sup>th</sup> January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area 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:

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Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)  
Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

- (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. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:  
[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 available on the [Coal Authority Website](#).

- (iv) the applicant be advised of the comments of the Senior Engineer (Drainage), Environmental Health Manager and the Public Rights of Way Officer.
- (v) the applicant also 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) (029 20 772400).

The meeting closed at 5.55 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 14<sup>th</sup> December 2022, they were signed by the Chair.

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CHAIR