



PLANNING COMMITTEE

MINUTES OF THE MULTI-LOCATIONAL MEETING HELD AT PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON WEDNESDAY, 8TH MARCH 2023 AT 5:00 PM

PRESENT:

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

Councillors:

M. A. Adams, E.M. Aldworth (Vice-Chair), A. Angel, R. Chapman, N. Dix, G. Ead, J. Fussell, A. Hussey, B. Miles, M. Powell, R. Saralis (Chair), S. Williams, A. Whitcombe and 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), E. Rowley (Principal Planner), A. Pyne (Principal Planner), C. Lamnea (Planning Officer), L. Cooper (Assistant Engineer), J. Hobbs (Principal Engineer), J. Harding (Client Manager), M. Godfrey (Team Leader - Pollution Control), V. Julian (Senior Solicitor) and S. Hughes (Committee Services Officer).

Also present to speak on applications:

Agenda Item 6 – Councillor G. Enright (Local Ward Member) and C. Wainwright (Applicant).
Agenda Item 7 – Councillor C. Andrews (Cabinet Member for Education and Communities).

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 D. Ingram-Jones and J. Taylor.

2. DECLARATIONS OF INTEREST

Councillor A. Whitcombe declared that he had predetermined Agenda Item 4 – Preface Item Application No: 21/1158/RET - GLJ Recycling Ltd, Chapel Bridge Yard, Chapel Farm Industrial Estate, Cwmcarn, Newport NP11 7NL, due to speaking in objection as a local Ward Member. He took no part in the discussion or vote. Details are also minuted with the respective item.

Councillor B. Miles declared a personal and prejudicial interest in Agenda Item 5 – Preface Item Application No: 22/0175/NCC -Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed, CF82 8FY, due to having a beneficial interest in a quarry which could be considered as a competitor. She left the meeting whilst the application was discussed. Details are also minuted with the respective item.

Councillor M. Adams declared a personal and prejudicial interest in Agenda Item 7 – Application No. 22/0994/LA - Pontllanfraith Comprehensive School, due to living in close proximity to the site. He left the meeting whilst the application was discussed. Details are also minuted with the respective item.

3. MINUTES – 8TH FEBRUARY 2023

It was moved and seconded that the minutes of the Planning Committee meeting held on the 8th February 2023 be agreed as a correct record. By way of Microsoft Forms and verbal confirmation (and in noting there were 8 for, 0 against and 5 abstentions) this was agreed by the majority present.

RESOLVED that the minutes of the Planning Committee meeting held on 8th February 2023 (minute nos. 1-7) be approved as a correct record.

The Planning Committee considered the applications in the order recorded below.

6. APPLICATION NO. 22/0841/COU - LAND WITHIN MORGAN STREET WORKS PERIMETER, MORGAN STREET, LLANBRADACH, CAERPHILLY, CF83 3QT

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 G. Enright (Local Ward Member) spoke in objection to the application and C. Wainwright (Applicant) spoke in support of the application. A written representation was read out on behalf of D. Strong (Local Resident) in objection to the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report and the inclusion of an additional condition, the recommendation be approved. By way of Microsoft Forms (and in noting there were 11 for, 1 against and 1 abstention) this was agreed by the majority present.

RESOLVED that: -

- (i) Subject to the following condition and the conditions contained in the Officer's report, the application be GRANTED.

Customers are not permitted on the premises and no deliveries shall be taken at or dispatched from the premises outside the hours of 06:00 – 10:00 hours Monday to Sunday.

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

- (ii) The applicant be advised of the comments of Network Rail, The Coal Authority and Natural Resources Wales.
- (iii) The applicant be advised that due to the proposal being next to AIW managed infrastructure, prior to any works beginning on site the applicant will need to engage with AIW Asset Protection so that AIW are able to determine the interface with any assets, buried or otherwise and by entering into a Basis Asset Protection Agreement.
- (iv) The applicant be advised that they should make contact a minimum of 3 months prior to works starting. Initially the outside party should contact CVLAssetProtection@tfwrail.wales
- (v) The applicant be advised of the comments of CCBC Senior Engineer (Drainage).

WARNING: SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

Please note from the 7th 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 100m² 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
Website: www.caerphilly.gov.uk/sab

- (vi) 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](#).

- (vii) 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.

- (viii) 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) (029 20 772400).

7. APPLICATION NO. 22/0994/LA - PONTLLANFRAITH COMPREHENSIVE SCHOOL, COED-CAE-DDU ROAD, PONTLLANFRAITH, BLACKWOOD, NP12 2YB

Councillor M. Adams declared a personal and prejudicial interest due to living in close proximity to the site. 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.

Councillor C. Andrews (Cabinet Member for Education and Communities) spoke in support of the application.

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 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 to refer to Public Access on the Council's website to view the comments of the consultees. Informative information is also provided.
- (iii) 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.
- (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) (029 20 772400).

- (v) The applicant be advised that the proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

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 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 at: [Coal Authority Website](#).

- (vi) The applicant be advised:
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.

(vii) NOTE

The applicant should be made aware that access points will associated with the development will require highway licences / agreements and no work shall be undertaken on or adjacent to the adopted highway until such have been agreed in writing. The applicant is therefore advised to contact Highway Development Control once planning consent has been granted to discuss the specific requirements.

The applicant should also be made aware that the existing Bus Stop road markings should be removed and may require changes to the existing Traffic Regulation Order (TRO) and as such the cost of such will be borne by the applicant.

(viii) The applicant be advised:

Warning: 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](#)

4. PREFACE ITEM APPLICATION NO. 21/1158/RET - GLJ RECYCLING LTD, CHAPEL BRIDGE YARD, CHAPEL FARM INDUSTRIAL ESTATE, CWMCARN, NEWPORT, NP11 7NL

Councillor A. Whitcombe declared that he had predetermined the application due to speaking in objection as a local Ward Member. 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.

Committee noted that this application had been deferred for a site visit which was held on 6th March 2023.

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 7 for, 2 against and 3 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.
- (ii) The applicant be advised of the comments of Network Rail, The Coal Authority and Natural Resources Wales.
- (iii) 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.

5. PREFACE ITEM APPLICATION NO. 22/0175/NCC - GELLIARGWELLT UCHAF FARM, GELLIGAER ROAD, GELLIGAER, HENGOED, CF82 8FY

Councillor B. Miles declared a personal and prejudicial interest due to having a beneficial interest in a quarry which could be considered as a competitor. She 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 6 for, 3 against and 3 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.

The meeting closed at 7.50 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 12th April 2023, they were signed by the Chair.

CHAIR