



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 17TH JULY 2019 AT 5:00PM

PRESENT:

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

Councillors:

Mrs E.M. Aldworth, C. Andrews, M. Davies, R.W. Gough, D. Hardacre, A. Hussey, J. Simmonds, J. Taylor, R. Whiting and T.J. Williams.

Together with:

T. Stephens (Planning Services Manager), R. Tranter (Monitoring Officer), R. Kyte (Head of Planning and Regeneration), L. Cooper (Engineer, Highway Planning), G. Mumford (Senior Environmental Health Officer), C. Edwards (Environment Health Manager), C. Boardman (Principal Planner), C. Powell (Principal Planner), E. Rowley (Senior Planner), A. Pyne (Senior Planner) and E. Sullivan (Senior Committee Services Officer).

And:

Councillor E. Stenner (Cabinet Member for Environment and Public Protection)

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors A. Angel, J. Bevan, J.E. Fussell, A.G. Higgs, Mrs B. Miles, Mrs G.D. Oliver and J. Ridgewell.

2. DECLARATIONS OF INTEREST

Declarations of interest were received at the start and during the course of the meeting as follows: Mrs Lisa Cooper – Agenda Item No. 6 (19/0021/RET) and Councillor J. Taylor – Agenda Item No. 13 (19/0360/RET) details are minuted with the respective item.

3. MINUTES – 19TH JUNE 2019

It was moved and seconded that the minutes of the meeting held on the 19th June 2019 be agreed as a correct record and by a show of hands this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee held on 19th June 2019 (minute nos. 1-13) be approved and signed as a correct record.

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT

4. CODE NO. 17/0971/NCC – GELLIARGWELLT FARM, GELLIGAER ROAD, GELLIGAER.

Mr. R. Dolloway spoke in objection to the application and Mr J. Ayoubkani, the applicant's agent spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to an amendment to Condition No.7, the deletion of Condition No. 13 and an additional condition in relation to noise levels the recommendation contained within the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) the application be deferred to allow the applicants to enter into a Section 106 Agreement as set out in the Officer's report;
- (ii) on completion of the agreement and subject to the conditions contained in the Officer's report and the following amended and additional condition this application be granted;

Amended Condition (7)

Except in emergencies to maintain safe quarry working the winning and working and processing of stone and the tipping of inert waste shall not be carried out at the site except between the following times:-

07.00 to 19.00 hours Monday to Friday and

07.00 to 13.00 hours Saturdays

b) no operation other than environmental monitoring and water pumping shall take place at the site on Sundays or Bank or Public Holidays.

c) no blasting shall take place except between the hours of 10.00 and 16.00 hour Monday to Friday.

Reason

To protect the amenity interests of local residents in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Additional Condition

Between the hours of 07.00 and 19.00 the noise levels arising from the development shall not exceed the proposed environmental noise limits (background noise level plus 10dB(A)) stated for any of the noise sensitive properties identified in the Environmental Noise Impact Assessment report 2612/T2 dated 5 July 2012.

Reason

To protect the amenity interests of local residents in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- (iii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: SP5 Settlement Boundaries, SP6 Place Making, SP8 Mineral Safeguarding, CW2 Amenity, CW4 Natural Heritage Protection, CW5 Water Environment, CW15 Locational Constraints, CW22 Mineral Safeguarding, CW23 Mineral Site Buffer Zones.
- (iv) the applicant is reminded that it is an offence to obstruct a public right of way. There are several public rights of way in the area of this application

which must remain available for use and the safety of users of the footpath must be maintained at all times. The planning permission does not authorise the stopping up or diversion of the rights of way. The 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. If the right of way is obstructed before the Order is made, the order cannot proceed until the obstruction is removed.

5. CODE NO. 18/1079/FULL – LAND AT GRID REF 312302188899, BRONMYNYDD, ABERTRIDWR, CAERPHILLY.

Following consideration of the application it was moved and seconded that subject to amended and additional conditions as detailed the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report and the following amended and additional conditions this application be granted;

Amended Condition (7)

Notwithstanding the submitted plans prior to the demolition of the existing steps that provide pedestrian access to 31 and 32 Bronmynydd details of replacement pedestrian access to these dwellings shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details. Pedestrian access to numbers 31 and 32 Bronmynydd must be maintained continuously throughout the duration of the construction works of the proposed development with temporary access provided as necessary.

Reason

To ensure suitable temporary and replacement permanent pedestrian access for existing residents is provided 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 (10)

The dwelling hereby approved shall not be occupied until the area indicated for the parking of vehicles (comprising of a minimum of three parking spaces) serving the dwelling together with the parking area serving numbers 31 and 32 Bronmynydd is laid out in accordance with the submitted plans and those areas shall not thereafter be used for any purpose other than the parking of vehicles.

Reason

In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Additional Condition (16)

Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details and structural calculations for the proposed retaining walls associated with the pedestrian access serving 31 & 32 Bronmynydd along with slope stability analysis on the embankment supporting the proposed access, together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose have been first submitted to and approved in writing by the Local Planning Authority. Following construction of the agreed works, additional certification from an independent chartered civil or structural

engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be submitted to the Local Planning Authority prior to beneficial occupation of the approved development.

Reason

In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Additional Condition (17)

Prior to the occupation of the dwelling hereby permitted or before the proposed parking areas are brought into beneficial use (whichever is the earlier) the provision of a vehicle restraint system, barrier or equivalent scheme located at the top of the earth embankment behind 21 to 30 Bronmynydd shall be constructed in a manner to have first been submitted to and agreed in writing by the Local Planning Authority. The vehicle restraint measures shall be retained and maintained thereafter.

Reason

In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- (ii) the applicant be advised of the comments of Cwr Cymru/Welsh Water, Senior Engineering (Land Drainage) and Head of Public Protection.

6. CODE NO. 19/0021/RET – NANTYGLEDYR, 231 BEDWAS ROAD, CAERPHILLY, CF83 3AR.

Mrs L. Cooper declared a personal but not prejudicial interest in that the applicant is known to her.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

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

7. CODE NO. 19/0045/FULL – LAND ADJACENT TO THE COTTES, 86 PENALLTA ROAD, YSTRAD MYNACH, HENGOED.

Councillor M. James spoke in support of the application

It was noted that the application had been subject to a site visit, which was held on Monday 15th July 2019.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved by a show of hands and in noting there were 3 abstentions this was agreed by the majority present.

RESOLVED that the application be refused.

8. CODE NO. 19/0275/NCC – WASTE TRANSFER STATION, GELLIARGWELT UCHAF FARM, GELLIGAER ROAD, GELLIGAER.

It was noted that the application had been subject to a site visit which was held on Monday 15th July 2019.

Mrs E. Tyzak, Councillor W. David and Councillor A. Gair spoke in objection to the application and Miss J. Price, the applicant spoke in support of the application.

Following consideration of the application it was moved and seconded that the application be deferred for a further report for reasons for refusal based on the detrimental impact to residential amenity by a show of hands and in noting there was 1 against this was agreed by the majority present.

RESOLVED that the application be deferred for a further report for reasons of refusal based on the detrimental impact to residential amenity.

9. CODE NO. 19/0245/FULL – 6 CAE CANOL, HENGOED, CF82 7RU.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised that the proposed property 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 at: www.gov.uk/government/organisations/the-coal-authority.

10. CODE NO. 19/0276/NCC – GELLIARGWELLT UCHAF FARM, GELLIGAER ROAD, GELLIGAER, HENGOED.

Mrs E. Tyzak, Councillor W. David and Councillor A. Gair spoke in objection to the application and Ms. J. Price, the applicant spoke in support of the application.

Following consideration of the application it was moved and seconded that the application be deferred for a further report for reasons for refusal based on the detrimental impact to residential amenity by a show of hands and in noting there was 1 against; this was agreed by the majority present.

RESOLVED that the application be deferred for a further report for reasons of refusal based on the detrimental impact to residential amenity.

11. CODE NO. 19/0277/RET – GELLIARGWELLT UCHAF FARM, GELLIGAER ROAD, GELLIGAER, HENGOED.

It was noted that the application had been subject to a site visit, which was held on Monday 15th July 2019.

Mr R. Dolloway, Councillor W. David and Councillor A. Gair spoke in objection to the application and Ms J. Price, the applicant spoke in support of the application.

Following consideration of the application it was moved and seconded that the application be deferred for a further report for reason for refusal based on the detrimental impact to residential amenity and by a show of hands and in noting there was 1 against this was agreed by the majority present.

RESOLVED that the application be deferred for a further report for reasons for refusal based on the detrimental impact on residential amenity.

12. CODE NO. 19/0331/FULL – CLAREMONT, SOUTHEND TERRACE, PONTLOTTYN, BARGOED.

Following consideration of the application it was moved and seconded that the recommendation contained within the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this applicant 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 at:
www.gov.uk/government/organisations/the-coal-authority.

13. CODE NO. 19/0360/RET - 64 CAE COLLEN, BLACKWOOD.

It was noted that since the publication of the report an additional letter of objection had been received which reiterated concerns previously expressed and detailed in the Officers report with one difference in that it referred to boundary encroachment. The Officer confirmed that this was a private matter and not a material planning consideration.

It was noted that the application had been subject to a site visit which had been held on Monday 15th July 2019.

At this point Councillor J. Taylor declared a personal and prejudicial interest in that the speaker in objection was known to him and left the Chamber when the application was discussed.

Councillor M. Davies sought advice with regarding to making a declaration as the speaker in objection was also known to him, but felt that the relationship was not such that it would influence his ability to come to a balanced decision based on the merits of the application. The Monitoring Officer confirmed that under those circumstances there was no requirement for him to declare.

Mrs H. Parfitt spoke in objection to the application and Mr A. Layman, the applicant spoke in support of the application.

Following consideration of the application it was moved and seconded that the recommendation contained within the Officer's report be approved and by a show of hands and in noting there was 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 that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2019 is relevant to the conditions of this permission: CW2;
- (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 at:
www.gov.uk/government/organisations/the-coal-authority.

14. CODE NO. 19/0453/FULL – GROVE LODGE, HIGH STREET, BLACKWOOD.

Following consideration of the application it was moved and seconded that the recommendation contained within the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this 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 at:
www.gov.uk/government/organisations/the-coal-authority.

- (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 calls 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.

15. PLANNING ENFORCEMENT CHARTER

Consideration was given to the report which sought Members comments on the adoption

of a Planning Enforcement Charter.

The Planning Enforcement Team within the Regeneration and Planning Service is an important part of Development Management, ensuring that appropriate action is taken against unauthorised development, where expedient. In recent years, the number of staff in the team had declined from six to two, and therefore it was essential to develop new ways of working and the charter presented sets out a realistic standard of service, which is clear to the Public, Members and Officers alike. The proposed Charter explains the principles of Planning Enforcement, the process, the service standards and relevant contact information.

Members were referred to the Charter as attached in Appendix 1 of the Officer's report and section 3.6 which detailed the time limits for taking enforcement action and section 4.4 for the report which outlined the information that complainants would need to provide in order to progress any alleged breach. It was noted that anonymous complaints would not be investigated unless the nature of the complaint was sufficiently serious that it might require immediate action in order to safeguard the public. The Officer advised that there was a Charter commitment to ensure that 100% of complaints were registered and acknowledged in writing within 5 working days of receipt; however the proposed 12 week standard for resolution would depend on the complexity of the alleged breach.

Members fully supported the Charter but expressed concern that staffing numbers within the Enforcement Team were insufficient to meet the requirements contained in the document. The Officer reassured Members that the numbers within the team were similar to that in other authorities of a similar size and advised that the Building Control Team would also pick certain enforcements cases.

Having fully considered its content, it was moved and seconded that the Planning Committee note the report and the Charter as attached in Appendix 1 be adopted and by a show of hands this was unanimously agreed.

RESOLVED that the contents of the Planning Enforcement Charter be adopted and form the basis of the service.

16-19. ITEMS FOR INFORMATION

The following items were received and noted: -

- (1) Applications determined by delegated powers;
- (2) Applications which are out of time/not dealt with within 8 weeks of date of registration;
- (3) Applications awaiting completion of a Section 106 Agreement;
- (4) Appeals outstanding and decided.

The meeting closed at 20.15pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 14th August 2019, they were signed by the Chair.

CHAIR