



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 10TH NOVEMBER 2021 AT 5:00 PM

PRESENT:

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

Councillors:

M. Adams, C. Andrews, M. Davies, N. Dix, L. Harding, A. Higgs, A. Hussey,
J. Ridgewell, J. Taylor

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

Together with:

R. Tranter (Head of Legal Services & Monitoring Officer), R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), C. Powell (Area Principal Planner), A. Pyne (Principal Planner), E. Rowley (Area Senior Planner), C. Lamnea (Planning Enforcement and CIL Monitoring Officer), C. Campbell (Transportation Engineering Manager), L. Cooper (Assistant Engineer), A. Vick (Senior Engineer), M. Godfrey (Team Leader - Pollution Control and Emergency Planning & Resilience), R. Barrett (Committee Services Officer), S. Hughes (Committee Services Officer)

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 via Microsoft Forms.

The Chair also advised Members that he was experiencing technical difficulties with his Teams camera and so he would not be visible on screen during the meeting.

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors J. Bevan, J. Fussell, R.W. Gough, B. Miles and J. Simmonds.

2. DECLARATIONS OF INTEREST

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

3. MINUTES – 13TH OCTOBER 2021

It was moved and seconded that the minutes of the meeting held on the 13th October 2021 be agreed as a correct record and by way of Microsoft Forms (and in noting there were 11 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee held on 13th October 2021 (minute nos. 1-4) be approved as a correct record.

4. PREFACE ITEM APPLICATION NO. 20/0702/FULL - GELLIARGWELLT UCHAF FARM, GELLIGAER ROAD, GELLIGAER, HENGOED, CF82 8FY

The Planning Case Officer presented the preface report, which contained the Officer's recommendation to grant the application as per the original report and set out a suggested reason for refusal based on the concerns of Members at the previous Planning Committee meeting on 3rd November 2021. Members were also referred to correspondence circulated to the Committee from objectors ahead of the meeting which suggested several alternative reasons for refusal.

Following consideration of the application, it was moved and seconded that the application be refused for the alternative reason as set out at the meeting relating to the site's proximity within the Mynydd Eglwysilan Special Landscape Area and the Gelligaer, Penybryn and Penpedairheol Green Wedge, and its close proximity to the Waun Rhydd, Gelligaer Site of Importance for Nature Conservation, and the negative impact the proposals would have on the local environment, contrary to both the Minerals Technical Advice Note (Wales)1: Aggregates, and the relevant policies of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

A Member asked if the mover and seconder of the motion would consider incorporating the suggested reason for refusal as set out in the preface report into the motion in order to provide two reasons for refusal rather than one. Following debate, the Member withdrew this request.

Voting on the motion then took place by way of Microsoft Forms, and in noting there were 9 for, 1 against and 0 abstention, the motion to refuse the application was carried by the majority present.

RESOLVED that the application be REFUSED for the reason that given the site's location within the Mynydd Eglwysilan Special Landscape Area and the Gelligaer, Penybryn and Penpedairheol Green Wedge, and its close proximity to the Waun Rhydd, Gelligaer Site of Importance for Nature Conservation, it has not been clearly demonstrated that the benefits of the proposal, in terms of need for the mineral resource, outweigh the negative impacts on the local environment. As such, the proposal is contrary to both the Minerals Technical Advice Note (Wales)1: Aggregates, and Policies CW4, NH1.3, SI 1.12 and NH 3.53 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Councillor L. Harding did not participate in the vote as he lost connection during the course of the item and the vote on the motion.

Councillors R. Saralis, E.M. Aldworth, M. Davies and J. Ridgewell confirmed that they would defend the decision of the Planning Committee in the event of any appeal.

5. APPLICATION NO. 18/1077/FULL - LLYS IFOR, CRESCENT ROAD, 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 subject to the conditions contained in the Officer's report, together with an additional condition relating to the provision to allow for future installation of electric charging points for vehicles, the recommendation in the Officer's report 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 and the following additional condition the application be GRANTED;

Additional Condition (15)

Prior to works commencing on site details shall be submitted for a minimum of 50% of the parking spaces to be constructed to make provision to allow for the future installation of electric charging points for vehicles. The development shall thereafter be carried out in accordance with the approved details.

Reason

In order to ensure that adequate mitigation is provided in respect of air quality in the interests of residential amenity.

- (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;
- (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 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](#);

- (iv) The application be advised of the need to comply with their 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;
- (v) the applicant be advised of the attached comments from Dwr Cymru/Welsh Water.

6. APPLICATION NO. 21/0574/FULL - THE RHOS, BEDWAS ROAD, 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.

The Committee's attention was drawn to a slight amendment to the Officer's report, to state that subject to the satisfactory completion of the Section 106 agreement within the stated period, that Planning Officers then be allowed to determine to issue planning consent.

Councillor J. Pritchard spoke in support of the application but with it noted that this was subject to an amendment whereby the car parking shortfall is eliminated. Mr R. Jones (applicant's agent) also 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, together with an additional condition relating to the provision to allow for future installation of electric charging points for vehicles, the recommendation in the Officer's report 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, together with an additional condition relating to the provision to allow for future installation of electric charging points for vehicles, the application be deferred to allow a Section 106 agreement to be entered into which will secure the provision of 40% of the total number of units on the site as affordable units, and on completion of the agreement the application be GRANTED.

Should the Section 106 Obligation not be completed within 3 months of the foregoing resolution, then delegated powers be given to the Head of Regeneration and Planning to exercise discretion to refuse the application on the grounds of non-compliance with Policies CW3 and CW11 of the Caerphilly County Borough Local Development Plan.

Additional Condition (19)

Prior to works commencing on site, details shall be submitted for a minimum of 25% of the residential units to be constructed to make provision to allow for the future installation of electric charging points for vehicles. The development shall thereafter be carried out in accordance with the approved details.

Reason

In order to ensure that adequate mitigation is provided in respect of air quality in the interests of residential amenity.

The meeting closed at 6.51 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 12th January 2022.

CHAIR