



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 12TH JANUARY 2022 AT 5:00 PM

PRESENT:

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

Councillors:

M. Adams, C. Andrews, M. Davies, N. Dix, J. Fussell, R.W. Gough, L. Harding, A. Hussey, B. Miles, J. Ridgewell, J. Simmonds, 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), E. Rowley (Area Senior Planner), J. Waite (Principal Planner), C. Campbell (Transportation Engineering Manager), A. Vick (Senior Engineer), M. Godfrey (Team Leader - Pollution Control and Emergency Planning & Resilience), J. Harding (Building Consultancy), A. West (21st Century Schools), R. Barrett (Committee Services Officer), M. Harris (Committee Services Support 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.

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors J. Bevan and A. Higgs.

2. DECLARATIONS OF INTEREST

Councillor J. Ridgewell confirmed that he would leave the meeting whilst [Agenda Item No. 5 \(21/0974/FULL\)](#) was being considered, in that having previously expressed his opposition to the development in his capacity as the local ward member, he had a closed mind. He left the meeting when the application was discussed and took no part in the debate or decision.

3-4. MINUTES – 3RD NOVEMBER 2021 AND 10TH NOVEMBER 2021

Councillor B. Miles requested a correction to her declaration of interest recorded for the meeting on 3rd November 2021 (Agenda Item No. 3 - 20/0702/FULL) to reflect that a family member owns land which is leased for quarrying (i.e. they are the landlord) and could be perceived as a competitor of the applicant.

Subject to the aforementioned correction, it was moved and seconded that the minutes of the meeting held on the 3rd November 2021 and 10th November 2021 be agreed as a correct record. By way of Microsoft Forms (and in noting there were 10 for, 0 against and 3 abstentions) this was agreed by the majority present.

RESOLVED that subject to a correction to the declaration of interest recorded for Councillor B. Miles at the meeting on 3rd November 2021 (pages 1 and 2), the minutes of the Planning Committee held on 3rd November 2021 (minute nos. 1-4) and 10th November 2021 (minute nos. 1-6) be approved as a correct record.

Councillor R. Gough confirmed that he had abstained from voting on the minutes as he had not been present at either meeting.

5. APPLICATION NO. 210974/FULL - LAND AT GRID REF 319235 191320, NINE MILE POINT INDUSTRIAL ESTATE, CWMFELINFACH

Councillor J. Ridgewell declared an interest in that having previously expressed his opposition to the development in his capacity as the local ward member, he had a closed mind. He left the meeting when the application was discussed and took no part in the debate or decision.

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 amended condition 03 relating to agreement of a soft landscaping scheme prior to the occupation of the development in the interests of visual amenity, the recommendation in the Officer's report be approved. By way of Microsoft Forms (and in noting there were 12 for, 1 against and 0 abstentions) this was agreed by the majority present.

RESOLVED that:-

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

Amended Condition (03)

Prior to the commencement **occupation** of the development a scheme depicting soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of the soft landscaping together with details of ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting. The agreed details shall be carried out in the first planting and/or seeding season following the occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously

damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- (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 SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT

From 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring that all new developments of more than one house or where the construction areas 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

- (iv) The applicant be advised to refer to Public Access to view the comments of Gwent Glamorgan Archaeological Trust, Natural Resources Wales and this Council's Landscape Architect that are brought to the applicant's attention.

6. APPLICATION NO. 21/1025/LA - FORMER CWMCARN HIGH SCHOOL, CHAPEL FARM TERRACE TO CWMCARN SCHOOL, CWMCARN, NEWPORT, NP11 7NG

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 approval of a scheme for foul drainage prior to the commencement of the development and implementation of the scheme prior to occupation of the building, to ensure that effective foul water drainage facilities are provided for the proposed development, prevent hydraulic overloading of the public sewerage system, protect the health and safety of existing residents and to ensure no detriment to the water environment, the recommendation in the Officer's report be approved. By way of Microsoft Forms (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 and the following additional condition the application be GRANTED;

Additional Condition (26)

No development shall commence on site until details of a scheme for foul drainage have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented in accordance with the approved details prior to the building hereby approved being occupied.

Reason

To ensure that effective foul water drainage facilities are provided for the proposed development, prevent hydraulic overloading of the public sewerage system, protect the health and safety of existing residents and to ensure no detriment to the water environment in accordance with Policy CW5 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

- (ii) The applicant 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;
- (iii) The applicant be advised that **SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT**

From 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring that all new developments of more than one house or where the construction areas 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

- (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/developer be advised that the biodiversity enhancement strategy to be submitted in accordance with condition 10 should include, but not be exclusively limited to, the following:
Clearance methodologies for vegetation, including timing/phasing for birds and hedgehogs;
Details of buffers to water courses/water bodies;
Details of proposed bird/bat boxes; and
Details of dark corridors to be retained around the periphery of the site.
- (vi) The applicant/developer be advised that any lighting scheme submitted in accordance with condition 11 should include the following:
Details of the siting and type of external lighting to be used;
Drawings setting out light spillage in key sensitive areas;
Details of lighting to be used during construction and/or operation of the building; and
Measures to monitor light spillage once development is operational.
- (vii) The applicant be advised of the need to ensure that the future management/employees of the school are made fully aware of the flood management measures set out in Sections 5.2 and 5.3 of the submitted Flood Consequences Assessment.
- (viii) The applicant/developer be advised that further soil sampling and ground gas monitoring will be required as part of the ground investigation/remediation scheme required by condition 14. Further details of the consultation responses received by Natural Resources Wales and the Council's Environmental Health Officer can viewed on the Council's website via Public Access.

The meeting closed at 6.06 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 February 2022.

CHAIR