Michelle Morris,
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Cyngor Bwrdeistref Sirol
Blaenau Gwent
County Borough Council

THIS IS A MEETING WHICH THE PUBLIC ARE ENTITLED TO ATTEND

Dydd Gwener, 24 Gorffennaf 2020 Dydd Gwener, 24 Gorffennaf 2020

Dear Sir/Madam

PWLLGOR CYNLLUNIO, RHEOLEIDDIO A THRWYDDEDU

A meeting of the Pwllgor Cynllunio, Rheoleiddio a Thrwyddedu will be held in Siambr y Cyngor, Canolfan Ddinesig on Dydd Iau, 30ain Gorffennaf, 2020 at 2.00 pm.

Yours faithfully

Michelle Morris
Managing Director

AGENDA **Pages**

1. CYFIEITHU AR Y PRYD

Mae croeso i chi ddefnyddio'r Gymraeg yn y cyfarfod, mae angen o leiaf 3 diwrnod gwaith o rybudd os dymunwch wneud hynny. Darperir gwasanaeth cyfieithu ar y pryd os gwneir cais.

2. YMDDIHEURIADAU

Derbyn ymddiheuriadau

3. DATGANIADAU BUDDIANT A GODDEFEBAU

Ystyried unrhyw ddatganiadau buddiant a goddefebau a wnaed.

4. APELIADAU, YMGYNGHORIADAU A DIWEDDARIAD DNS, GORFFENNAF 2020 5 - 6

Ystyried adroddiad y Rheolwr Gwasanaeth Datblygu a Stadau.

5. RHESTR CEISIADAU A BENDERFYNWYD DAN BWERAU DIRPRWYEDIG RHWNG 15 MEHEFIN 2020 A 13 GORFFENNAF 2020 7 - 10

Ystyried adroddiad yr Uwch Swyddog Cymorth Busnes.

6. ADRODDIAD CEISIADAU CYNLLUNIO 11 - 86

Ystyried adroddiad y Rheolwr Tîm Rheoli Datblygu.

7. AMSER CYFARFODYDD Y PWYLLGOR YN Y DYFODOL

I'w ystyried.

8. EITEM EITHRIEDIG

Derbyn ac ystyried yr adroddiad dilynol sydd ym marn y Swyddog Priodol yn eitem(au) a gafodd eu heithrio gan roi ystyriaeth i'r prawf diddordeb cyhoeddus ac y dylai'r wasg a'r cyhoedd gael eu heithrio o'r cyfarfod (mae'r rheswm a penderfyniad am yr eithriad ar gael ar restr a gedwir gan y Swyddog Priodol.

9. ACHOSION CAU GORFODAETH RHWNG 16 MEHEFIN 2020 A 13 GORFFENNAF 2020 87 - 90

Ystyried adroddiad y Rheolwr Gwasanaeth Datblygu.

To: D. Hancock (Cadeirydd)
W. Hodgins (Is-gadeirydd)
D. Bevan
G. L. Davies

M. Day
S. Healy
J. Hill
C. Meredith
K. Rowson
T. Smith
B. Thomas
G. Thomas
D. Wilkshire
B. Willis
L. Winnett

All other Members (for information)
Manager Director
Chief Officers

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Report Date: 14th July 2020
Report Author: Katherine Rees

BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	**The Chair and Members of Planning, Regulatory and General Licensing**
Report Subject	**Appeals, Consultations and DNS** **Update July 2020**
Report Author	**Service Manager Development & Estates**
Report Date	**14th July 2020**
Directorate	**Regeneration & Community Services**
Date of meeting	**30th July 2020**

1.0	**Purpose of Report**
1.1	To update Members in relation to planning appeal and related cases.
2.0	**Present Position**
2.1	The attached list covers the "live" planning appeals and Development of National Significance (DNS) caseload.
3.0	**Recommendation/s for Consideration**
3.1	That the report be noted.

	Application No Appeal Reference Case Officer	Appellant / Site Address	Development	Type Procedure	Sit Rep
1	C19/052 APP/X6910/C/20/3247423 Paul Samuel	7 Brynawel, Brynmawr	Unauthorised decking.	Enforcement Written	Statement of LPA submitted. Awaiting decision.
2	C19/0105 APP/X6910/C/20/3248862 Jonathan Brooks	Star Fields, Mountain Road, Ebbw Vale	Change of use of the land for the importation, deposition and disposal of waste material and associated engineering works.	Enforcement Written	Statement of LPA submitted. Inspector's site visit to be undertaken week commencing 27th July 2020.
3	C/2019/0312 APP/X6910/A/20/3250628 Joanne White	The Walpole (former Llanhilleth RFC), Commercial Rd, Llanhilleth	Change of use from Sports Club to 17 bedroom HMO and a two bedroom managers flat and associated alterations.	Planning appeal in respect of refusal Written	Statement of LPA submitted. Inspector's site visit to be undertaken week commencing 27th July 2020.
4	C/2019/0219 APP/X6910/A/20/3252106 Joanne White	Domestic garage adjacent to 3 Glandwr Street, Abertillery	Proposed conversion, extension and change of use from existing domestic garage and workshop to new dormer dwelling.	Planning appeal in respect of refusal Written	Statement of LPA submitted. Inspector's site visit to be undertaken week commencing 27th July 2020.
5	C/2020/0036 APP/X6910/A/20/3252612 Steph Hopkins	39 Beaufort Hill, Beaufort, Ebbw Vale	Construction of new detached house in curtilage of existing dwellinghouse with associated parking and external works.	Planning appeal in respect of refusal Written	Statement of LPA submitted. Inspector's site visit to be undertaken week commencing 27th July 2020.
6	C/2019/0318 APP/X6910/A/20/3255636 Joanne White	The Walpole (former Llanhilleth RFC) Commercial Rd, Llanhilleth	Change of Use from Sports Club to 7-bed HMO with associated storage and self-contained Manager's flat with an A3 Use and new shopfront to part ground floor.	Planning appeal in respect of refusal Written	Questionnaire submitted. Statement of LPA to be submitted by 6th August 2020

BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	**The Chair and Members of Planning, Regulatory and General Licensing**
Report Subject	**List of applications decided under delegated powers 15th June 2020 and 13th July 2020**
Report Author	**Senior Business Support Officer**
Report Date	**14th July 2020**
Directorate	**Regeneration & Community Services**
Date of meeting	**30th July 2020**

1.	**Purpose of Report**
1.1	To report decisions taken under delegated powers.
2.	**Scope of the Report**
2.1	The attached list deals with the period 15th June 2020 to 13th July 2020
3.	**Recommendation/s for Consideration**
3.1	The report lists decisions that have already been made and is for members information only.

Application No	Address	Proposal	Valid Date Decision Date
C/2020/0108	64 Lakeside Way, Brynmawr	First Floor Extension	01/05/20 23/06/20 Approved
C/2019/0318	Llanhilleth Rugby Football Club Commercial Road Llanhilleth Abertillery	Change of Use from Sports Club to 7-bed HMO with associated storage and self-contained Managers flat together with an A3 Use and new shopfront to part ground floor.	19/11/19 17/06/20 Refused
C/2020/0050	Land adjoining Glashafen, Charles Street, Tredegar	Discharge of Conditions: 2 (Boundary treatment), 5 (Noise assessment), 6 (Construction method statement), 7 (Site investigation report) of planning permission C/2019/0178 (4 no semi-detached houses)	18/02/20 03/07/20 Condition Discharged
C/2020/0090	Gardeners Cottage, Woodland Terrace, Nantyglo	Application for Discharge of Conditions 2 (Foul water drainage) and 3 (Details of precise position & design of all drainage infrastructure as they may affect any trees) of permission C/2018/0285 (Rebuild existing dwelling, raising of main roof, two storey rear extension and front porch)	26/03/20 22/06/20 Condition Discharged
C/2020/0101	4 Rice Houses, Cwmtillery, Abertillery	Retention of front porch	23/04/20 18/06/20 Approved

C/2020/0135	17 Larch Lane, Bedwellty Gardens, Tredegar	Application for a Lawful Development Certificate for a proposed use - Single storey rear extension.	10/06/20 22/06/20 Lawful Development Certificate Granted
C/2020/0098	Rear of 12 Lancaster Street, Blaina	Domestic garage.	16/04/20 22/06/20 Approved
C/2020/0119	Victoria Arms, Mill Terrace, Cwm, Ebbw Vale	Application for Discharge of Conditions 3 (Constructional details for footpaths) and 4 (Details of materials & finishes of all walls, fences, gates & other enclosures) of planning permission C/2020/0084 (Proposed part conversion of the Victoria Arms pub into a 4 bedroom end of terrace house with assoc external works (revised proposal))	29/05/20 17/06/20 Condition Discharged
C/2020/0125	Victoria Arms, Mill Terrace, Cwm, Ebbw Vale	Application for Discharge of Conditions: 5 (Footpaths) and 6 (Materials and finishes of all walls, fences, gates and other enclosures) of planning permission C/2018/0355 (Version 2) (Change of use from public house to three two storey houses and removal of rear annexe)	05/06/20 22/06/20 Condition Discharged

C/2020/0124	Land adjacent to Unit 18 Rassau Industrial Estate, Ebbw Vale	Application for Discharge of Conditions: 2 (Ground contamination investigations) and 3 (Verification contamination) of planning permission C/2020/0059 (Erection of a Synchronous Condenser, plant control building and auxiliary equipment, access, landscaping and associated works)	01/06/20 10/07/20 Condition Discharged
C/2020/0089	Land adjacent to the Regain Building Mill Lane Victoria Ebbw Vale	Retention of temporary modular building for use as an exhibition showroom (2 years).	23/03/20 09/07/20 Approved
C/2020/0102	Unit 7 Sirhowy Industrial Estate Sirhowy, Tredegar	Change of use of unit B1, B2 and B8 to activity centre D2 (Assembly and leisure), construction of mezzanine floor to provide cafe and viewing gallery (sui genesis)	24/04/20 06/07/20 Approved

BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	**The Chair and Members of Planning, Regulatory and General Licensing**
Report Subject	**Planning Applications Report**
Report Author	**Team Manager Development Management**
Report Date	**15th July 2020**
Directorate	**Regeneration & Community Services**
Date of meeting	**30th July 2020**

Report Information Summary

1. Purpose of Report	
To present planning applications for consideration and determination by Members of the Planning Committee.	
2. Scope of the Report	
Application No.	Address
C/2020/0100	Plasgeller, Intermediate Road, Brynmawr, NP23 4SF
C/2020/0093	37 Howy Road, Rassau, Ebbw Vale, NP23 5TW
C/2019/0190	Land at Leyton Williams Haulage Yard, Parkside Garage, Catholic Road, Brynmawr
C/2019/0333	Land Adj. The Spirals, Dukestown Road, Tredegar
C/2020/0111	Arnant, Graig Road, Six Bells, Abertillery, NP13 2LR
3. Recommendation/s for Consideration	
Please refer to individual reports	

Report Date:
Report Author:

Planning Report

Application No: C/2020/0100	**App Type:** Full
Applicant:	**Agent:**
Mr Mitul Shah 2nd floor Jebsen House 53-61 High Street Ruislip HA4 7BD	Portess and Richardson Architects Mr Rob Fordham 193 Lincoln Road Peterborough Cambridgeshire PE1 2PL
Site Address:	
Plasgeller Intermediate Road Brynmawr NP23 4SF	
Development:	
Two single storey extensions to provide a complex care unit to the east side (front elevation) of the existing care home together with removal of 2x TPO trees	
Case Officer:	Joanne White

1. Background, Development and Site Context	
1.1	The development site is one of four large detached two storey buildings which operate as a complex of care homes, with planning permission recently granted for further development to the south (1 Intermediate Road ref C/2019/0169). The building subject to this application is known as Plasgeller. The building is orientated as such that access into the building is from within the site (to the south-west).
1.2	The elevation fronting Intermediate Road is uniform in design and features a number of windows and two front gables. This application seeks to construct 2 extensions to this elevation; one to each of the gables. The development also incorporates a sensory garden located between the two extensions.
1.3	Two mature trees are also located along the front boundary, adjacent to the highway. These Sycamore trees, along with a number of others within the street, are a characteristic feature of Intermediate Road and as such were afforded protection in 1996 by means of Tree Preservation Orders (TPOs). Those within the site are referenced as TPO BG29.
1.4	Planning permission was refused under delagetd powers for 2 similar front extensions in October 2019 (ref C/2019/0215) on the basis that they would result in the loss of the TPO'd trees. No appeal was made to The Planning Inspectorate and the time for appeal has now lapsed. The applicant has chosen to re-submit the application and it is this scheme that is the subject of this report.
	
1.5	The Design and Access Statement submitted in support of the application

	states that the additional space is required to provide for a dedicated day room and quiet space which will serve 8 existing specialist care bedrooms within the existing building, creating a self-contained unit. The statement acknowledges previous applications, stating that this application has been "…*designed to be as 'green' as possible with use of a sedum roof, natural sustainable materials, replacement planting and improved street scene*".
1.6	Unlike the previous application, these extensions will now protrude approximately 2m closer to the street frontage (extending 5m from the existing elevation rather than the 3m previously proposed). Consequently, the two mature TPO trees are proposed to be removed as part of this application. The scheme still features a sensory garden located between the two extensions, which will also front the street. A 1.5m high trellis fence is proposed behind the existing front boundary hedge. Where there is currently a large gap in the hedgerow, this is to be filled with additional hedge planting.
1.7	The extensions are of a contemporary modular design, featuring flat sedum roofs (soft landscaping to the roof) with roof lights, full length glazing, vertical timber cladding and a stone plinth around the base of the extensions.
1.8	The extension to the right-hand side of the elevation (when viewing from Intermediate Road) will provide a 'quiet lounge'. It will measure 6m wide, project from the gable by 5m and will have a height of 3m. Due to the topography this will be 4.2m high when viewed from footpath level. A door and 2 full length glazed panels are proposed to the side (south-west) elevation of the extension, leading into the proposed sensory garden. A further 2 full length glazed panels are proposed fronting the street. A new window is also proposed to the north-east side elevation of the existing building (fronting the side access lane and beyond that the conservatory of 2A Intermediate Road) which will serve a bedroom. The window on this side elevation will be approximately 13m from the conservatory of 2A Intermediate Road.
1.9	The second extension is a wrap-around extension proposed to infill the left-hand (south-west) corner. The extension will provide for a day-room and will project from the existing gable by approximately 5m (8.4m as measured from the infill) and will measure 3m high (3.8m at its highest point to account for the gentle level difference at the south-west corner). Again, this will be

	approximately 4.2m when viewed from the public footpath.
1.10	As part of the application, ground floor bedroom windows fronting the road will be replaced with patio doors to lead into the proposed sensory garden.

2. Site History

	Ref No	Details	Decision
2.1	C/2003/0212	TPO BG29 remove 1 small diameter limb @ 3.5m agl & remove dead & dying branches reduce length of 6 branches & remove epocormic growth from trunk	Approved 13.06.03
2.2	C/2009/0215	One single storey and two storey extensions to existing Nursing Home	Approved 06.08.09
2.3	C/2014/0205	Variation of condition 2 (development to be commenced not later than five years) of planning permission C/2009/0215 for one single storey and two storey extensions to nursing home	Approved 22.09.14
2.4	C/2018/0346	Two single storey extensions to east side of existing care home	Withdrawn 29.01.19
2.5	C/2019/0215	Two single storey extensions	Refused 16.10.19

3. Consultation and Other Relevant Information

3.1	**Internal BG Responses**
3.2	Team Leader Building Control: Building Regulations required.
3.3	Service Manager Infrastructure: Highways: No objections
3.4	Drainage: The development requires approval of Sustainable Drainage Systems (SuDS) features via the SuDS Approving Body (SAB) – Caerphilly CBC are acting as the SAB for BGCBC.
3.5	Landscape/Trees: The existing urban character is defined by the mature trees that line the street – large properties set well back from the street frontage which provides room these valuable assets.
3.6	The development as proposed will not only necessitate the removal of two important trees but then redefine the street frontage by advancing the

	building line beyond its historical definition. The overall development imposing an overbearing and dominating feature out of character with the existing positive characteristics.
3.7	The development is contrary to policy DM2 Design and Place making.
3.8	The proposal involves the loss of two important street trees that are protected by a tree preservation order due to their high amenity value.
3.9	The tree reports provided by the developer confirm the high retention value of the trees and confirm that the development will result in their loss.
3.10	The trees make a significant contribution to the local urban characteristics, not only in terms of the street scene but also in terms of improving air quality, flood risk management, carbon sequestration and enhancing biodiversity and justifiably subject to a TPO.
3.11	The proposal is contrary to policies DM15 Protection and Enhancement of the Green Infrastructure DM16 Trees, Woodlands and Hedgerow Protection and is therefore considered unacceptable.
3.12	Service Manager Public Protection: The land was partially used as a transport garage historically. No objection to the development but request that the unforeseen land contamination informative is imposed in the event of the application being approved.
3.13	**External Consultation Responses** Town / Community Council: Confirmed that no meetings are currently taking place and as such have no comment to make on the application.
3.14	Welsh Water: Advised that the development may require approval of Sustainable Drainage Systems (SuDS) features via the SuDS Approving Body (SAB). Also advised that the site is crossed by a 300mm public combined sewer. No operational development is to take place within 3 metres either side of the centreline of the public sewer.
3.15	**Public Consultation:** ~~*Strikethrough*~~ *to delete as appropriate* • 2 x letters to nearby houses • 1 x site notice • press notice

3.16	• website public register of applications • Ward members by letter • all Members via weekly list of applications received • ~~other~~ <u>Response:</u> 13 individual letters of objection have been received. • A local resident who is a tree specialist has advised that he has reviewed the trees using Heliwell Valuation System. In terms of these trees they are scored individually with 540 points each. Each point unit today in monetary terms is valued at £34.17. This equates to £36,903.60. He further claims that under the British Standard 5837: 2012, these trees would register a category 'A' retention grading and that this value was recognised some years earlier by BG through the serving of a TPO. Mature trees occurring within the street scene of Brynmawr is very uncommon and therefore places added value on these trees in terms of being non typical. Furthermore, the loss of both sycamores will amount to a loss of around 10% or more of the entire street tree population in Brynmawr in contradiction of para 6.4.25 Planning Policy Wales 10 (December 2018). • Noise coming from these buildings is often unbearable with staff taking smoke breaks at unsociable hours and patients can often be heard shouting and groaning particularly through the summer months as windows are left open. • The upper windows of the proposed front elevation may look directly down onto our front windows and certainly over our garden. • Both sycamores help screen the existing overly large building from view which fortunately sits back off the road. These specimens help merge it within the existing residential built form. • There is insufficient parking at the existing combined facilities (Plasgellar, Beacon Lodge and Brynwood) which results in staff parking along Intermediate Road on a daily basis. Any further development here would add to the existing pressure for staff and visitors parking. • The trees are over 100 years old. In a world where global warming is causing havoc with the planet we need to protect the trees we have. • These trees are not only beautiful and ancient, but form part of the character of Intermediate Road. They are also important habitat for a

	myriad of wild life. • The owners have already destroyed the best and most beautiful Mock Orange tree in Brynmawr in the grounds of 1 Intermediate Rd and an ancient hedgerow alongside Church Lane. Enough. Please leave the trees alone. • The trees make that end of Intermediate Road much more attractive as well as their ecological value. It would be an act of sheer vandalism to remove them • The systematic destruction of trees in this town is further denuding an already bleak landscape, depriving it of areas for wildlife, and putting the ecosystem at risk by affecting the water table. Furthermore, I think most people understand that a protection order involves the trees' protection- otherwise, what is its function? • Plasgeller has other ground available within site and had on going planning permission for the last fourteen years
3.17	The letters of objection included a letter from a local Ward Member and a letter from Alun Davies AM, confirming his full agreement with the issues and objections raised by the local residents.
4. Planning Policy	
4.1	<u>LDP Policies:</u> • DM1 New Development • DM2 Design and Placemaking • DM16 Trees, Woodlands and Hedgerow Protection
4.2	<u>PPW & TANs:</u> • Planning Policy Wales Edition 10 (December 2018) • Technical Advice Note 10 (TAN) - Tree Preservation Orders (October 1997).
5. Planning Assessment	
5.1	The principle of two extensions on this site is considered acceptable. However, in assessing the merits of the specific development, there are two main points to consider; 1. the impact of the development on the street scene and 2. the removal of two mature sycamore trees from along the street frontage.

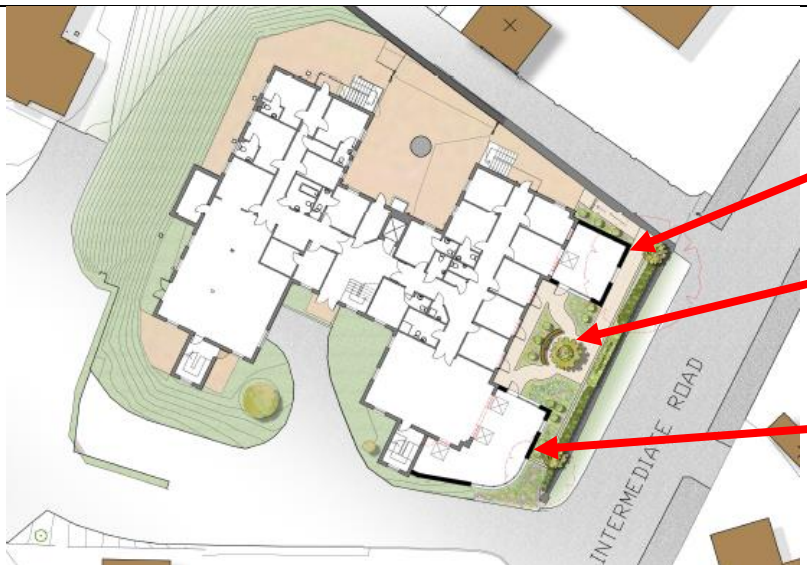
5.2 **Impact on the streetscene**

5.3 Whilst the extensions are of a contemporary modular design I am of the opinion that the deliberate contrast between old and new is acceptable and that the use of sustainable materials is respectful to the existing building. The extensions are single storey and are considered to remain subordinate to the host building.

5.4 It is important to note that the trees are protected by a Tree Preservation Order and the removal of the trees will fully expose the frontage of the site. The location of the extensions to the street frontage will not only necessitate the removal of the 2 protected trees but will result in two structures sitting at 4.2m above footpath level within 3m of the front boundary. Given that properties along this side of the street are characteristically set back within their respective plots, these extensions will sit forward of the clearly defined historic building line along this side of the street (see picture below of the building line). As a result the extensions will have a detrimental impact upon the character and appearance of the street scene contrary to Local Development Plan (LDP) Policy DM1(2)b.

Photo above showing the building line.

5.5



5.6 The agent has suggested that the building line of the extensions will sit comfortably with the development as approved on the adjacent site at no.1 Intermediate Road (which has repeatedly renewed their permission since 2009). However, I do not share this view on the basis that the adjacent site is largely screened from the street by a combination of high walls and high hedgerows, with the approved permission also indicating a 1.7m high retaining wall with high level hedgerow. As such, I do not consider that the impact of the adjacent development upon the street scene is comparable to this development.

5.7

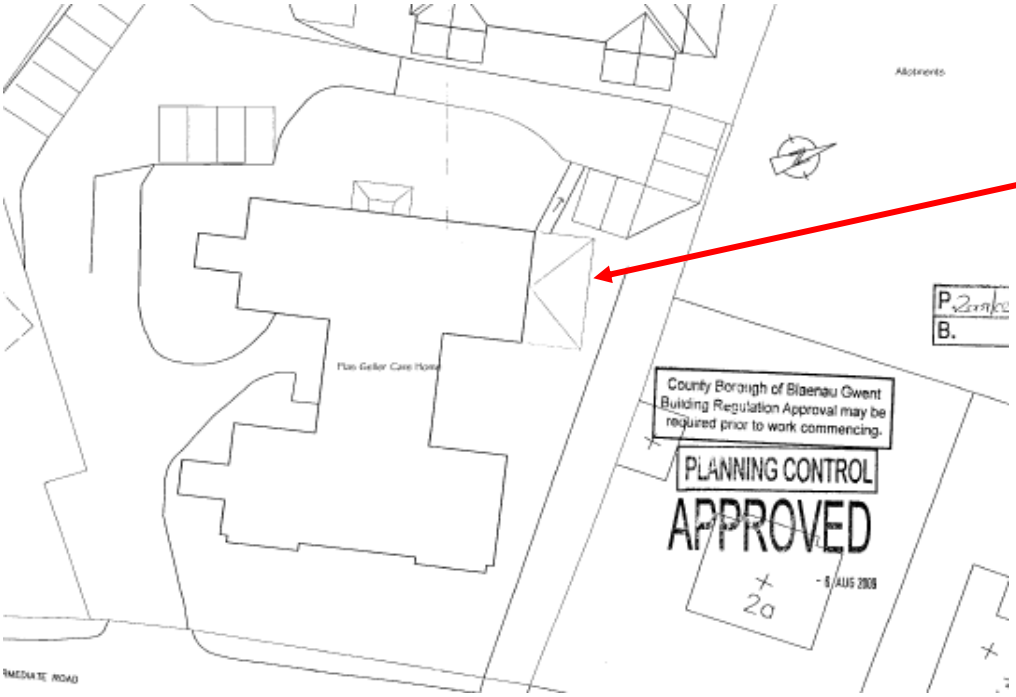
5.8 In terms of the impact of the extensions upon the neighbouring properties, I note that the proposed window in the side elevation of the existing building (to serve a new bedroom) would be 13m from the conservatory of no. 2A Intermediate Road. Whilst this window raises some concern of overlooking a condition could be imposed requiring it to be obscurely glazed and/or screened and thus would not be a reason for refusal.

5.9 Unlike the previously refused application, I note that the proposed fence treatment to the sensory garden has been revised to be 1.5m high trellis fencing. I am satisfied that provided the front boundary hedge line, which is

	currently exposed in the middle section, is infilled with native species hedgerow to match the existing hedgerow (via a suitable condition), then the visual impact of the sensory garden upon the street scene will be acceptable.
	Impact Upon the Protected Trees
5.10	Notwithstanding the points raised above, the development results in the removal of the two mature sycamore trees to the road frontage. As mentioned earlier in this report, the trees are protected with a Tree Preservation Order (TPO). A TPO is used when it is considered that the removal of a tree(s) would have a significant impact on the environment and its enjoyment by the public (Technical Advice Note 10, para 15). In this instance, the two trees are considered to provide significant amenity value to the character of this street and the surrounding area.
5.11	The Local Development Plan (LDP) paragraph 7.85 (Policy DM16) indicates that proposals to undertake works to trees covered by TPOs should be considered against national planning policy and guidance. The most relevant requirements are considered to be found in paragraphs 6.4.24, 6.4.25 and 6.4.27 of Planning Policy Wales Edition 10 (December 2018, herein referred to as PPW) and Technical Advice Note 10 (TAN) - Tree Preservation Orders (October 1997).
5.12	TAN 10 confirms that ***"the effect of planning proposals on protected trees is a material planning consideration"*** (para 18).
5.13	PPW 10 highlights the valuable contribution trees make to biodiversity, landscape and the character of an area. Paragraph 6.2.24 stipulates that "*They [trees] are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling climate change by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking".*
5.14	Paragraph 6.4.25 goes on to identify that Local Planning Authorities should protect trees where they 'have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function'. Given that the trees have the benefit of a TPO I am

	satisfied that they not only have ecological value but also contribute to the local character of the area. Indeed, Intermediate Road benefits from a number of TPO's that all positively contribute to the character of this area both individually and collectively.
5.15	The applicant commissioned a Tree Survey & Arboricultural Method Statement (AMS) carried out by a professional tree specialist and submitted as part of this application. The report confirms that the trees contribute to the character and amenity of the area, stating that *'the two sycamores are mature specimens with good amenity value which impose a significant constraint to any development proposals'* (paragraph 2.4, March 2020). The assessment of the trees specifies that the health and vigour of the trees is 'good' meaning there are no significant health issues. The structural condition is also deemed to be 'good'. This means that there are no obvious structural defects and the trees are basically sound. In terms of their life stage, they are mature, well-established trees that are in the middle of their safe, useful life expectancy. The report specifies that the remaining useful life left in the trees is considered to be 20-40 years. Based on the information provided within the report, I do not consider there to be any evidence that the trees pose any health and safety concern.
5.16	Given the health of the trees and their valuable contribution to the character and appearance of the street scene I do not consider that the removal of the trees purely to facilitate a development is justified in this instance.
5.17	I note that the applicant owns land immediately adjacent to this site, for which planning permission has recently been granted for further care home facilities. However, I understand from the agent that this is intended for care facilities of a different nature rather than for those patients with dementia.
5.18	The agent has also put forward an argument that there is little scope to develop elsewhere within the site (see plan below). However, I do not fully share this view. Whilst I acknowledge that parts of the site would require excavation due to the sloping nature of the land, it is not to say that it is not possible to construct in those areas. Albeit the financial construction costs would inevitably be more. Even if the areas with steep topography (shaded in red) are discounted for development, there are still areas where the extensions could be accommodated, as circled in orange on the diagram below. For example, perhaps the wrap-around extension could be accommodated on the opposite side of the existing day room, or attached to the adjacent building within the site. Again, this may be inconvenient but that is not to say it would unreasonable or impossible to do.

5.19 I would also make the Members aware that in 2009 a two storey extension was approved to the north side elevation (plan below). As such, I see no reason why development could not be located in this area.



Approved 2 storey extension approved in 2009 (ref C/2009/0215)

5.20	To support the justification for the removal of the trees the applicant has suggested that the trees overshadow the existing home and that there is a threat of branches or trees falling and endangering the lives of the residents. Based on the findings of the tree survey, carried out by a professional tree specialist, I would strongly disagree with this claim. As stated in paragraph 5.14 above, the survey carried out in March 2020 identified the trees as being in good health and structurally sound.
5.21	With regards to overshadowing, I note that no application has been made to the Council in recent years in which to carry out works to the trees such as thinning or reducing their crowns to address the suggested claim of overshadowing. Indeed, the last application for tree works was in 2003. The trees are well spaced with good clear stems and therefore do not create an oppressive enclosed barrier. Furthermore, any potential overshadowing would only occur during summer months as the trees lose their leaves during the winter period. That said, during hot weather the trees provide pleasant shade and have a positive impact upon the local microclimate with a cooling effect.
5.22	The justification statement further claims that care home beds are in high demand. Whilst I am not disputing this, I would point out that no additional beds are being provided as part of this development. The extensions are to provide additional space in terms of a quiet room and an extension to an existing lounge area.
5.23	I fully appreciate that the additional space is desirable and may be beneficial to residents within the home. However, I see no reason why the extensions cannot be accommodated elsewhere within the site. Whilst there is an argument that additional space is currently required to account for social distancing during the current pandemic, I would also remind Members that applications for similar extensions have been submitted to the Council since 2018. Thus, the requirement for the proposed extensions is not as a direct result of the pandemic.
5.24	During email exchanges with the agent it has been suggested that without the proposed extensions the future viability of the business will be under scrutiny. However, no evidence has been presented to substantiate this claim. As such, I do not consider there are any exceptional circumstances that would justify supporting a scheme that is otherwise environmentally and visually unacceptable. I would therefore recommend that Members afford little weight to this claim regarding the future viability of the business.
5.25	I acknowledge that Social Services are supportive of the *concept* and

	aspirations of the business to improve facilities at the complex, subject to a satisfactory design solution being achieved through the planning process. Whilst I do not question the demand for the additional space, it should not influence the planning merits of the development.
5.26	The Planning Committee must now make a choice between the claimed business needs and aspirations of the home, which I believe can be accommodated elsewhere within their land ownership, against the environmental loss of important protected trees that have significant amenity value within the local area and the associated detrimental visual impact of the visually prominent extensions on the street scene.
5.27	In conclusion the development fails to comply with both national and local policy in so far that the removal of the protected trees will have a detrimental impact upon the character of this tree-lined street and will fully expose the site, resulting in 2 extensions that will be an unacceptable dominant feature within the street scene. As such, I consider the application is contrary to LDP Policies DM1(2)b, and PPW10 (para 6.4.24 and 6.4.25). I therefore recommend the application be refused.
6. Legislative Obligations	
6.1	The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.
6.2	The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.
7. Conclusion and Recommendation	
7.1	Planning permission be **REFUSED** for the following reason(s): 1. The proposed development will result in the removal of two mature sycamore trees, protected by Tree Preservation Order No. BG29. The resulting loss in the amenity and ecological value of the trees would in turn have a detrimental impact upon local biodiversity and the character of the local area. Accordingly, the development runs

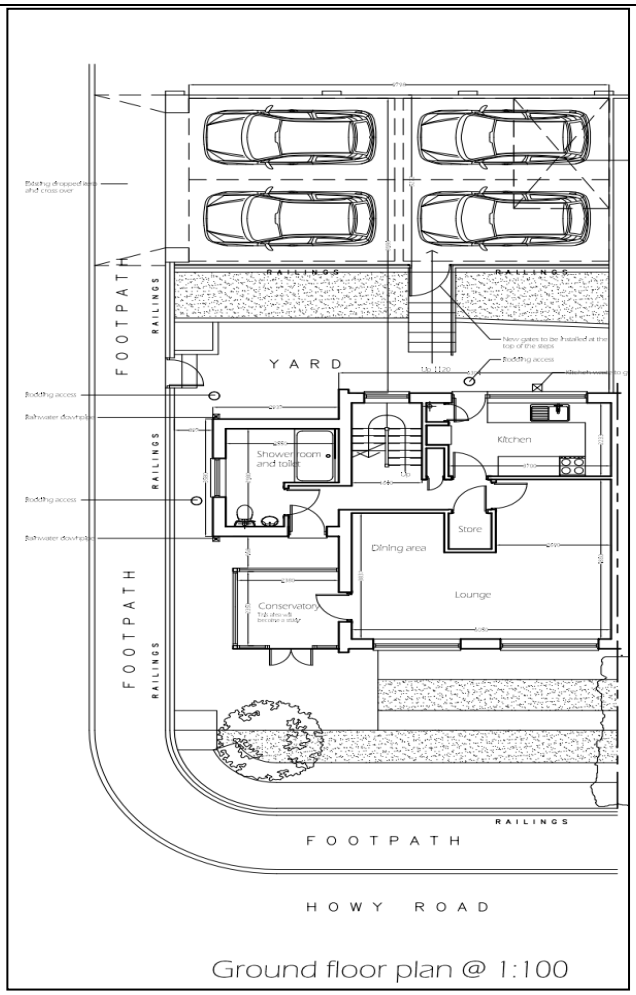
	contrary to paragraphs 6.4.24, and 6.4.25 of Planning Policy Wales Edition 10 (December 2018). 2. The proposed extensions by virtue of their size and location siting forward of the front building line, would appear as an incongruous feature that would have an unacceptable impact upon the character and appearance of the street scene. Accordingly, the proposal conflicts with Local Development Plan Policy DM1(2)b.
8. Risk Implications	
8.1	Approval of the development will result in the loss of two healthy, mature trees that have been protected for their amenity and ecological value.

Report Date:
Report Author:

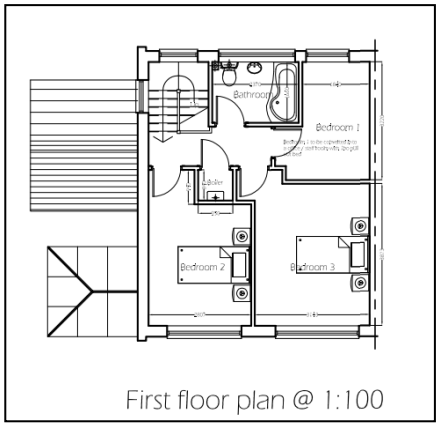
Planning Report

Application No: C/2020/0093	**App Type:** Full
Applicant:	**Agent:**
Mr Nicholas Carter 15 Heolddu Crescent Bargoed CF81 8UQ	
Site Address:	
37 Howy Road, Rassau, Ebbw Vale, NP23 5TW	
Development:	
Conversion of existing residential property to a 2 bed children's care home	
Case Officer:	Steph Hopkins

1. Background, Development and Site Context	
1.1	This application seeks planning permission to change the use of a semi-detached dwelling (use class C3a) to a 2no. bedroom residential children's care home (use class C2).
1.2	The application site is located on Howy Road which is a predominantly residential area within Rassau, Ebbw Vale. The semi-detached dwelling is two-storey's in height with a single storey side extension and conservatory and currently provides 3 bedrooms. The property is elevated above road level with a front and rear garden. There is a hardstand to the rear of the property for parking where there is also currently a greenhouse. The property is enclosed by low level walls and railings.
1.3	Internal alterations to the building are limited to the conversion of the conservatory to a study and the conversion of one of the bedrooms to an office/staffroom with pull out bed. The only external alteration proposed is the removal of an existing greenhouse on the hardstand to the rear to increase the area for available for parking from 2 spaces to 4 (the streetview picture above was taken prior to the greenhouse being erected).
1.4	The proposed residential care home would accommodate a maximum of 2 children who would be cared for by non-resident staff working 24 hour shift patterns. Staffing levels at the care home would vary between 2 to 3 members of staff during the day (one of these members of staff would be a home manager) and 2 members of staff during the night. The children that would be placed at the home would be aged between 10 and 17 and would be on long-term placement (more than 2 years). The intention is to create an environment where children and staff live together as a single family.



Ground floor plan @ 1:100



First floor plan @ 1:100

2. Site History

	Ref No	Details	Decision
2.1	PA/2020/0020	Convert existing property to a 2no. bedroom children's care service	Acceptable in principle subject to adequate parking provision and impact on residential amenity (19/03/2020)
2.2	C/2005/0629	Demolition of outbuilding and replace with single storey side extension	Approved 02/02/2006
2.3	9493	Conservatory	Approved 12/01/1992

3. Consultation and Other Relevant Information

3.1 **Internal BG Responses**

3.2 Team Leader Building Control:
Building Regulations required.

3.3	Service Manager Infrastructure: Highways: No objection. The proposed parking area must be provided before the use is implemented and retained for its specified purpose.
3.4	**Public Protection:** No objection.
3.5	**Social Services:** No response received.
3.6	**Education:** No response received.
3.7	**External Consultation Responses**
3.8	Welsh Water (WW): Some public sewers and lateral drains may not be recorded on WW maps. The presence of such assets may affect the proposal. The applicant is advised to contact Welsh Water to establish the location and status of any sewer.
3.9	Gwent Police: Consulted via the weekly list of applications and no comments received.
3.10	**Public Consultation:** • 5 letters to nearby houses • 1 site notice • website public register of applications • ward members by letter • all members via weekly list of applications received
3.11	Response: 10 letters/emails of objection have been received. The objections raised can be summarised as follows:
3.12 3.13 3.14	- Loss of value and impact of saleability of properties. - Children's homes in other areas don't work in residential areas. There is a care home in Beaufort where the children have smashed windows and damaged cars. There are concerns for personal safety, theft and vandalism. - A children's home will have a massive impact on the character and surrounding area by means of noise, visual intrusion and disruption.

3.15	- The children who live at these homes live there for a reason and need 1:1 support to keep themselves safe, and in most cases even then this isn't enough. One objector has stated she works in education provision and knows the kind of children that would end up in the property and she wouldn't want them living next-door to her.
3.16	- The children's home could attract more teenagers to the area which may cause more disruption and trouble.
3.17	- Concerns staff will be unable to control the behaviour of the children.
3.18	- A children's home is not fitting with the surrounding area. There are many young families, elderly and a few vulnerable residents in the area which these children would not fit in with.
3.19	- Concerns regarding the 'type' of children living at the property; would they be sex offenders/drug offenders/young offenders.
3.20	- Impact on mental health of nearby occupiers due to stress of the presence of a children's home.
3.21	- There is insufficient parking and the staff will not park in the driveway.
3.22	- The applicant doesn't live in the area.
3.23	- Lack of neighbour notification letters sent out and consultation from the applicant.
3.24	A petition has also been submitted which has 41 signatories. Some of the signatories have submitted individual objection letters. In summary the petition has been submitted for the following reasons:
3.25	- Howy Road is a quiet residential area of families with young children or elderly people. Having this facility in the area would cause anxiety for people. Feedback from other residents living near these types of care homes are that they have daily issues with verbal abuse, damage to cars and property and the police are in regular attendance.
3.26	- The children will be aged between 10 and 16 with 1:1 support. What have these children experienced to be in care, physical/sexual abuse? Will the children already living in the area be at risk? There is a children's play area at the end of the street and a local school.
3.27	- The children's home would attract other youngsters to the area which may lead to further disruption from drugs and alcohol use.
3.28	- It wouldn't be in the children's best interest to be housed in a street that has a hostile environment towards them.
3.29	A request has also been received from a local ward member for the application to be considered by the Planning Committee. The reasons being:
3.30	- The effect this change of use of the property could have on the community in general;
3.31	- The impact this could have on residents in its proximity; and
3.32	- Highway issues, parking is limited due to being in a residential area.

4. Planning Policy	
4.1	LDP Policies: DM1 New Development DM2 Design and Placemaking Access, Car Parking and Design Supplementary Planning Guidance (SPG) (March 2014)
5. Planning Assessment	
5.1	Requirement for Planning Permission
5.2	37 Howy Road is currently being used as a dwelling house, C3(a) use class. In planning terms this means being occupied by a single person or people living together as a family or by not more than six residents living together as a single household (including a household where care is provided by residents).
5.3	The applicant is applying for a change of use to class C2 which in simple terms is a 'residential institution' where care is provided to residents (other than a use within class C3 - dwelling houses).
5.4	As can be seen from the above definitions of a C2 and C3 use, the characteristics are very similar and careful consideration has to be given as to whether the proposed use would have such a material change that the property would no longer fall under a C3 use.
5.5	As indicated above, the applicant's intention is to replicate a family home that allows children and staff to live together as a single family. While each child would have their own bedroom, the majority of the remaining rooms and facilities are shared between the staff and children, including the kitchen/dining area, lounges, toilets and bathroom. The only room that would be used separately to the rest of the building is the proposed office/staffroom area (currently a bedroom) which would be locked. The staff would provide day to day supervision in a parental role and will undertake domestic duties, such as preparing and sharing meals, cleaning and taking the children to appointments and activities within the community. The building will retain a number of characteristics that are similar to the existing residential use in terms of both its physical condition and the nature of its use. As such, careful consideration has been given to whether the proposed use actually falls within use class C2 (residential care home as applied for) or more appropriately falls within use C3(b). A C3(b) use is where up to six people live together as a single household and are receiving care. The judgement is not clear cut and is made more difficult by the degree of uncertainty over the precise number and frequency of visits to the proposed care home by

	professionals. On balance, I am of the opinion that the proposal falls within use class C2 and would result in a material change of use. If I had concluded that the proposed use had been use class C3(b), this planning application would not have been required. I reached my conclusion for the following reasons: the Home Manager would be non-resident and would be arriving at the property purely as a place of work, which is not typical of a normal household and there is likely to be an increase in the comings and goings and general activity at the property as a result of the staff's shift patterns and the potential increase in visitors.
5.6	It should however be noted that whilst I am satisfied that there is sufficient difference between the existing residential use and the proposed care home for a material change of use to occur, this only means that planning permission is required. It does not mean that the proposal is inappropriate in land use terms or would result in unacceptable impacts. The remainder of the report covers these matters in more detail.
5.7 5.8	<u>Principle of Development</u> The Blaenau Gwent Local Development Plan (LDP) indicates that the application is located within the settlement boundary (Policy SB1) within which development is generally permitted subject to policies in the plan and other material considerations. As indicated above, the characteristics of the proposed care home are similar in many respects to those of a residential use with the children and staff living together as a single family as closely as possible. It is not uncommon for care homes to be located in close proximity to residential properties and I am of the opinion that the proposal is compatible with the surrounding residential uses.
5.9 5.10	<u>Highways and Parking</u> With regard to vehicular movements to and from the property, the number of staff at the care home during a 24 hours period would vary between 2 to 3. Two care staff would work 24 hour shifts (8am – 8am) and a Home Manager would be present between the hours of 9am – 5pm, Monday to Friday. During the staff handover period around 8am there will be a maximum of four staff at the property. Other professionals, such as social workers, nurses, tutors and psychologists, may also need to visit the property occasionally depending on the individual needs of the children. The applicant has indicated that the children will use health and education facilities within the community and that they would be transported to these facilities by existing staff. If in the exceptional case a home tutor is required there will be one per care home. Other professionals will visit on less frequent basis, for example, social workers visit once every six weeks per child (this may be more frequent at initial placement). The applicant has confirmed that there would

	not be a group of professionals visiting together. No additional support services, such as cleaning, laundry or commercial waste services would be required such duties would be undertaken by the care staff.
5.11	In terms of car parking, the Council's Supplementary Planning Guidance (SPG) entitled "Access, Car Parking and Design" (March 2014) requires 1 space per resident staff, 1 space per 3 non-resident staff and 1 space per 4no. bedrooms for visitors for residential children's homes. This proposal would therefore generate the need for 4no parking spaces which the applicant was made aware of in pre-application advice. The proposed 4 off-street car parking spaces are therefore in accordance with the SPG and the Team Manager – Highways and Development has raised no objection to the proposal subject to the spaces being provided and retained for their specific purpose at all times. This can be conditioned.
5.12	Whilst it is possible that the proposed care home would result in some on-street parking, this is only likely to occur when professionals visit the property during normal working hours when many residents of Howy Road would be at work. There is no reason to believe that the level of on-street parking that might be generated by this use would be greater than that which could be generated by other residential properties in the area. There is also a parking area in very close proximity to the application site to the rear of Howy Road. The Team Manager – Highways and Development has confirmed that the roadways serving the site are of a sufficient width to accommodate any on-street parking requirements but that Howy Road does experience higher levels of parking during peak times (i.e. evening/overnight). This is due to the lack of off-street parking available for neighbouring properties, which is a common theme in this area. However, the officer is satisfied visitor parking associated to this proposed development can be accommodated within the proposed driveway parking area. There is no evidence to suggest that Howy Road experiences such unacceptable levels of on-street parking congestion that would justify the refusal of the application.
5.13	Based on the above it is considered that there is adequate highway capacity to accommodate the proposed care home subject to the parking area being provided as indicated and retained for its specified use.
5.14 5.15	<u>Visual Impact</u> External works associated with the proposed care home are limited to the removal of a greenhouse to create additional space on the existing hardstand. Accordingly, there are no concerns in terms of visual impact.

5.16	Amenity
5.17	As indicated above, the care provider seeks to create an environment which allows the staff and children to live together as a single family, and in many respects the proposed care home would not be expected to result in any greater impacts on the amenity of neighbours than those that would arise from an average size family living at the property. There are, however, certain characteristics of the proposed care home that would differ from an average family, such as the vehicular movements due to shift patterns and the presence of a Home Manager.
5.18	With regard to vehicular movements to and from the property, this would be greater than normal. However, the timing of the majority of the vehicular movements would coincide with normal daily activity relating to work and school journeys, health appointments and leisure activities. The staff changeover would occur around 8am, but would only involve a maximum of 4 vehicles spread over an hour. The Home Manager would also arrive and leave around 9am and 5pm respectively. I am therefore of the opinion that the number and timing of vehicle movements would not have an unacceptable impact on the amenity of neighbours in terms of noise and disturbance.
5.19	Environmental Health has confirmed they have no objection to the proposal.
5.20	I am satisfied that the nature and level of use proposed in this instance would not have an unacceptable impact on the amenities of neighbouring occupiers. Nevertheless, a condition restricting the use and numbers of children to only that proposed and no other use within the same C2 use class would be appropriate in this case, as other residential institutional uses may have a different character and vehicular movements requiring further consideration.
5.21	In planning terms, there are only limited physical changes proposed to the building (both internally and externally) and the applicant has clearly indicated that the children will live together as a single family. I therefore have to consider the proposal within this context, and I am of opinion that the building is large enough to accommodate 2 children.
5.22	Notwithstanding the acceptability of the application site to accommodate 2 children, the applicant has confirmed that the proposed care home will also be registered, inspected and regulated by the Care Inspectorate Wales. It is a matter for this regulatory body to ensure that the care home is suitable to meet the specific needs of the children. National planning policy is clear in that local planning authorities must bear in mind that other legislation may

	also be relevant to certain matters and that the planning system should not conflict with or attempt to duplicate controls better regulated by other bodies under different consent regimes. It is also clear that even if planning permission were to be granted, the proposed care home could not go ahead without other necessary consents in place.
5.23	Residents have also raised concerns about children breaking free of the care home and causing antisocial behavior. However, these concerns appear to be based on the assumptions that the children will not be properly managed.
5.24	It is particularly difficult for the planning process to give any significant weight to the potential behaviour of individuals. The proposed care home use could generate antisocial behaviour, as could the use of any residential property. If antisocial behaviour were to occur, this would be a matter for the staff/management of the care home and any other bodies responsible for dealing with such issues, such as the police. It is also notable that Gwent Police, who receive a weekly list of all planning applications, have not chosen to provide comments on the proposed care home. It is noted that objections have been received in relation to alleged issues that have occurred at similar care homes, however assumptions cannot be made that this property would experience the same problems.
5.25	<u>Other Matters</u> A number of the objections received have been addressed above. The remaining objections are considered separately below: • The perceived potential impact in relation to property value and saleability is not a material planning consideration. • The fact that the applicant does not live in the Borough is not a material planning consideration. • Objection was received regarding lack of neighbour notification letters sent out to residents and lack of consultation by the applicant. I can confirm that the consultation period was undertaken in-line with legislative requirements. As this is not a major planning application the applicant was under no obligation to undertake consultation with the community. However, I am aware that the applicant did speak to some nearby residents during the application process.
6. Legislative Obligations	
6.1	The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of

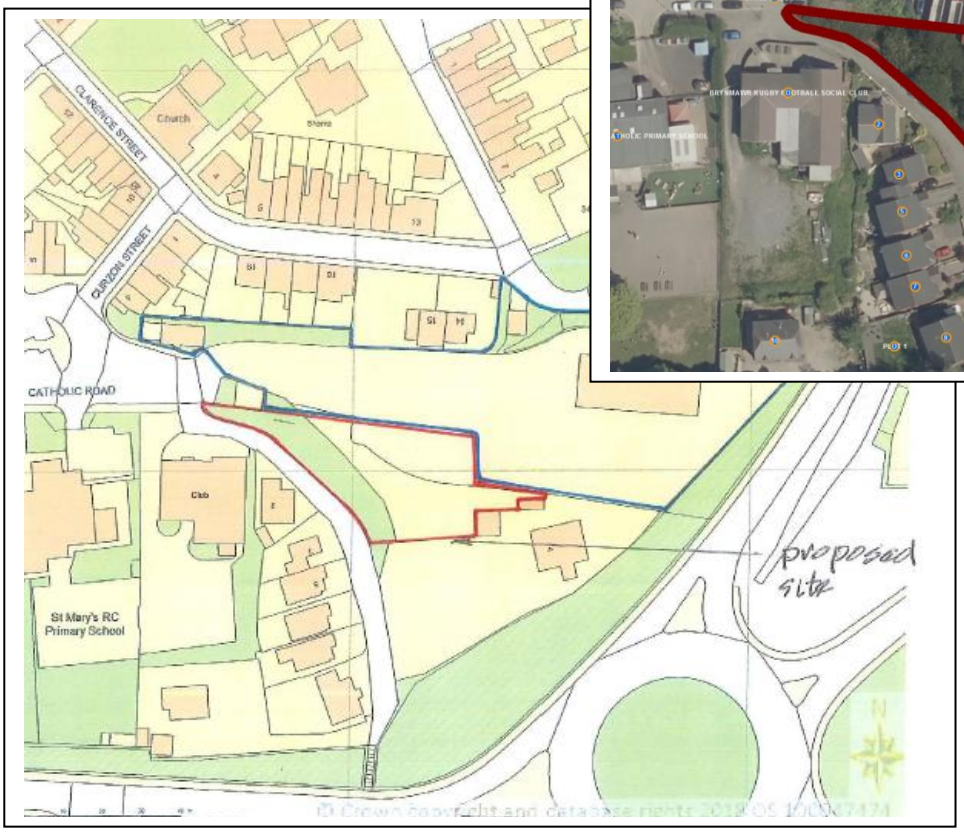
	land contributes to improving the economic, social, environmental and cultural well-being of Wales.
6.2	The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.
7. Conclusion and Recommendation	
7.1	The proposed care home is considered to be compatible with the neighbouring residential uses and is acceptable in land use terms. Moreover, having regard to the nature and scale of the proposal in my opinion it is not likely to result in any unacceptable impacts in terms of visual and residential amenity, parking and highway matters. Due regard must be given to the fact that without the Home Manager and level of comings and goings at the property it is likely that the use could have been implemented without applying for planning permission. The proposal is considered to be in accordance with LDP policies DM1, DM2 and the Access, Car Parking and Design SPG.
7.2	Planning permission be **GRANTED** subject to the following condition(s): 1. The development shall begin not later than five years from the date of this decision notice. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990. 2. The development shall be completed in full accordance with the following approved plans: - Location Plan, stamped received 6th April 2020 - Elevation and floor plans, Drawing No. 3031 01, stamped received 31st March 2020 - Block Plan and First Floor Plan, Drawing No. 3031 02, stamped received 6th April 2020 Unless otherwise specified or required by conditions below. Reason: To clearly define the scope of this permission. 3. The car parking spaces as indicated on the approved plans shall be be made available prior to the C2 use becoming operational and be kept available for the parking of vehicles at all times Reason: To ensure that the parking needs of the development are adequately met at all times.

	4. Notwithstanding the Town and Country Planning (Use Classes Order) 1987 (as amended) (or any order revoking or re-enacting that order with or without modification) the use hereby approved shall be restricted to that of a children's care home for up to 2 children and no other purpose within Use Class C2. Reason: In the interest of residential amenity and highway safety.
8. Risk Implications	
8.1	Planning Committee should note that whilst residents' fears of anti-social behaviour can be a material consideration in the determination of planning applications, the amount of weight afforded must be based on the extent to which the resident's fears are justified and can be evidenced. Regard must also be had to other statutory controls that deal with situations likely to generate residents' fears. I have had regard to these considerations in presenting my recommendation that planning permission should be granted subject to conditions.

Report Date:
Report Author:

Planning Report

Application No: C/2019/0190	**App Type:** Outline
Applicant:	**Agent:**
Mr Richard Williams 15 Clarence Street Brynmawr NP234EH	Mr Terry Morgan Clifton House Westside Blaina, NP13 3DD
Site Address:	
Land at Leyton Williams Haulage Yard, Parkside Garage, Catholic Road, Brynmawr	
Development:	
Proposed dwelling	
Case Officer:	Joanne White



1. Background, Development and Site Context	
1.1	Outline planning permission was refused for a single dwelling on the site known at Williams' Yard in June 2018 (ref C/2018/0101). The application was refused on two grounds:
1.2	1. That the siting a residential property within the boundary of an established haulage yard would prejudice residential amenity of future occupants of the house by virtue of noise, fumes and activities associated with the haulage business and was therefore considered to be an incompatible land use, and;
1.3	2. That the development would impact on an area of established landscape that screens the year and safeguards visual amenity and residential amenity of nearby residents. The landscaping also makes a positive contribution to the area and should be protected.
1.4	In a bid to address the previous reasons for refusal, this application again seeks outline planning for a single detached dwelling. However, there are changes in the red line boundary of this application compared to the previous application, including the omission of a small parcel of land that formed part of the public highway (to the right of the existing entrance into the haulage yard).
1.5	Unlike the previous application, this application also proposes a larger residential plot (thus reducing the size of the haulage yard) that would sit at a lower level to the haulage yard; the plans indicate a drop in level by approximately 2.5m. Access arrangements have also been revised with the entrance into the site now proposed off Catholic Road (adjacent to the existing access into number 4 Catholic Road) together with the provision of a road widening scheme to the upper section of Catholic Road.
1.6	Supporting reports have been submitted during the course of the application in a bid to overcome previous reasons for refusal and in response to issues raised by consultees as part of this application. These include a Noise Impact Assessment, tree survey and subsequent Arboricultural Impact Assessment.
1.7	As this is an outline application, all matters with the exception of access, are reserved for future consideration. <u>This report is therefore focussed on the principle of residential development and the proposed access arrangements</u>.

1.8 Part of the application site is currently used for parking vehicles in association with the well-established commercial haulage yard whilst the remainder of the application site is taken up by vegetation. The haulage yard, commonly known as Williams' Yard is located and accessed via the public highway adjacent to Brynmawr bus station/St Mary's Catholic Primary School. Brynmawr Rugby Club and residential properties (2-5 Catholic Road) front the application site at a lower level. Number 4 Catholic Road sits adjacent to the site (to the south east) and is also at a lower level than the existing haulage yard. Beyond that is a dense band of trees which buffer the main by-pass road. To the north of the haulage yard are the rear gardens of residential properties along Clarence Street and the side elevation of 24 Greenland Road.

1.9 The proposed residential plot is of an irregular shape measuring approximately 0.14 hectares. Indicative plans illustrate a 2 storey dwelling located centrally within the plot with provision for a minimum of 3 on-plot parking spaces. As a result of proposed 2.5m drop in level between the plot and the haulage yard, a retaining wall is indicated to the northern boundary with a solid fence above (separating the plot from the haulage yard).

1.10

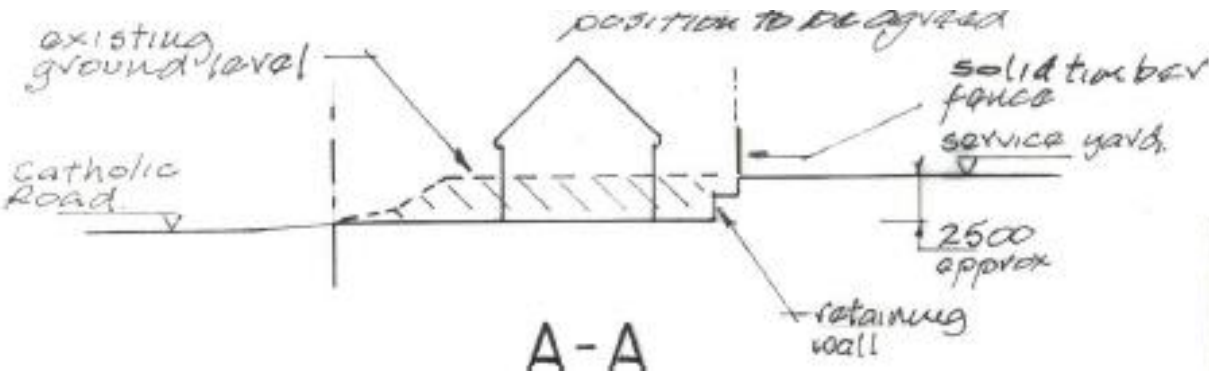


Fig 1. Section showing proposed drop in levels (as viewed from the east).

1.11

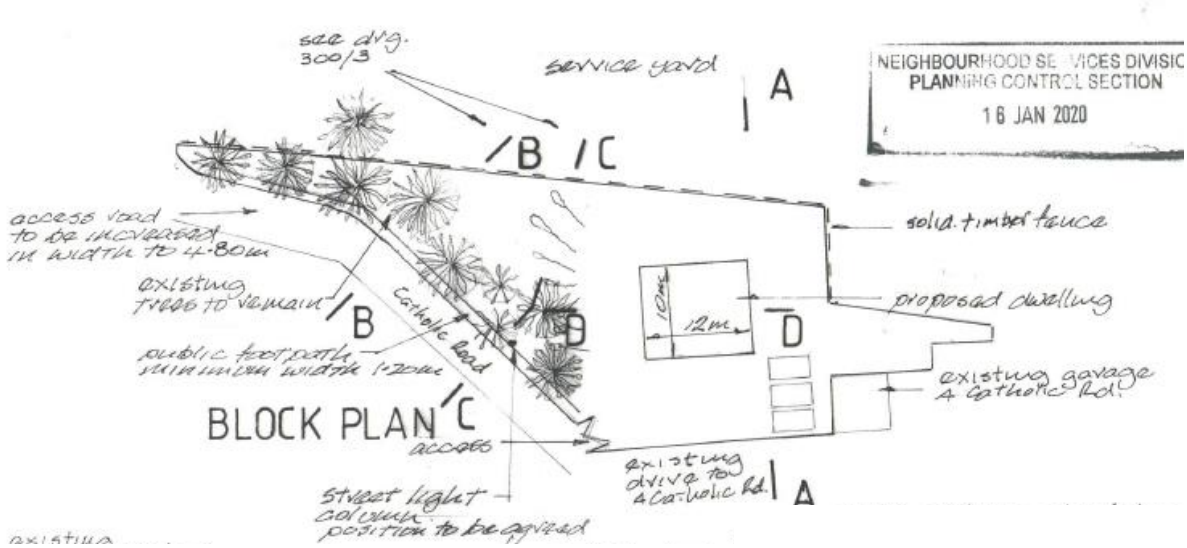
Fig 2. (above) Site as viewed from the public steps to the south-west (at a higher level).

Fig 3. (right) - Site as viewed from Catholic Road (at driveway access to no.4)

1.12

Fig 4. (above) – Extent of protected trees

Fig 5. (right) Photo of the trees/vegetation as viewed from access driveway at no.4) looking up Catholic Road.

1.13	Scale parameters have been proposed for the dwelling footprint to be a minimum of 11m long x 8m wide with a ridge height of 6.8m and a maximum of 12.5m long x 8.5m wide and a ridge height of 8.95m.
1.14	In support of the current application and to overcome concerns raised by the Highway Authority the applicants have indicated a willingness to provide a road widening scheme to the upper section of Catholic Road; from the haulage yard entrance down towards 4 Catholic Road. This would result in an improved road width from approximately 3.6m (at its narrowest point) to 4.8m together with the provision of a public footpath measuring 1.2m wide and street lighting column. The improvement works would be sited entirely on land in the ownership of the applicant.
1.15	
1.16	Existing trees along this section (to the western boundary) have recently been safeguarded with a Tree Preservation Order (TPO) served on the owner. The TPO was issued as it was recognised (following the submission of a tree survey) that whilst the trees are only of moderate retention value in terms of their health, they are considered to be of high amenity value. This is due to the screening they provide to residents along Catholic Road from the existing haulage yard.
1.17	In response to the Landscape Officer comments, an Arboricultural Impact Assessment was subsequently submitted to identify the impact of the development, including the proposed road widening, upon the protected trees.

2. Site History

	Ref No	Details	Decision
2.1	There is a long planning history associated with the haulage business.		

	However, the applications that are relevant to this application are listed below. Any other related planning history of Catholic Road will be dealt with in my consideration of the issues in Section 5.		
2.2	C/2018/0101	Construction of single dwelling (outline)	Refused 22.06.18
2.3	C/2019/0191	Demolish and replace vehicle maintenance workshop in association with existing haulage business.	Approved 16.01.2020

3. Consultation and Other Relevant Information

3.1 **Internal BG Responses**

3.2 Team Leader Building Control:
Building Regulations Required

3.3 Service Manager Infrastructure:
Highways:

3.4 The revised plans are acceptable to the Highway Authority. As previously advised, the proposed new footway along Catholic Road is to be extended to incorporate the driveway entrance for the new dwelling. This application complies with Policy DM 1 (3 a), there are no highway objections to this application subject to the following:

3.5 1. Construction details of the proposed highway improvement scheme are to be submitted for approval.

3.6 2. The proposed new footway is to be extended to incorporate the proposed driveway entrance.

3.7 These requirements can be a condition of any approval.

3.8 Drainage:
The development will be subject to Schedule 3 of the Flood and Water Management Act 2010. The development will therefore require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards. An informative note would advise that the applicant of their duty to apply for SuDS through the SAB in dealing with surface water drainage.

3.9 Ground Stability:
No objections to the proposal in principle

3.10 Landscape/Trees:
The following comments are made following consideration of the

	Arboricultural Implications Assessment:
3.11	The information provided demonstrates a robust consideration of the implication of the proposed development on the existing tree cover on the development site (which is subject to Tree Preservation Order BG 151).
3.12	Clearly the development will have some impact on the existing tree cover. However, the recommendations of the report, whilst confirming the loss of a number of trees from the site and therefore reducing the current existing screen cover, demonstrates that appropriate longer management combined with use of retaining structures and replanting will ensure that the future screen will not only be retained but also enhanced.
3.13	It is important to note, as identified in the report, that the historic management and current condition of the TPO trees is unsustainable and in need of some form of management to ensure its retention. Subject to conditioning of the recommendations contained within the report the proposal is acceptable.
3.14	Ecology: No objection subject to a condition requiring hedgehog passes given that the nearest hedgehog record is within 400m. Informative notes in relation to bats and birds should also be included.
3.15	Rights of Way: No objection. Public footpath 333/47/1 runs to the south-west boundary of the site. The developer must ensure that this legal Right of Way is maintained open for public use.
3.16	<u>Service Manager Public Protection:</u> Initially requested the submission of a noise assessment to demonstrate that there would be no detrimental impact on the proposed residential property due to the operation of the yard.
3.17	Following the submission of such an assessment, the Environmental Health Officer confirmed that he is satisfied with the findings of the report and that he has no objections to the development.
3.18	The land the dwelling will be built upon has been used as part of a haulage yard for a commercial activity. The standard land contamination condition to be used in this instance.

3.19	Head of Estates and Strategic Asset Management: No observations
	External Consultation Responses
3.20	Town / Community Council: No objection.
3.21	Welsh Water: Confirm that capacity exists within the public sewerage network in order to receive the foul only flows from the proposed development site.
3.22	Western Power: Identified apparatus in the area
3.23	W&W Utilities: Identified apparatus in the area
3.24	South Wales Fire and Rescue Service: The developer should consider the need for the provision of:- a. adequate water supplies on the site for firefighting purposes; and b. access for emergency firefighting appliances.
3.25	Should the applicant require further information in relation to these matters they should contact the fire safety officer.
3.26	**Public Consultation:** ▪ 10 letters to nearby properties ▪ 1 site notice ▪ website public register of applications ▪ ward members by letter ▪ all members via weekly list of applications received ▪ Officers from the Planning Dept and Highway Authority met residents of Catholic Road on site to listen to their concerns/objections.
	Response:
3.27	8 separate residential households have each submitted 7 letters during the course of the application, together with photographs and regular emails from a representative of the local residents. The main points made by the residents can be summarised as follows:
3.28	▪ Site circumstances have not changed since the previous refusal in 2018 and the haulage yard is still fully functioning; ▪ Recently the haulage business has doubly increased in activity with the addition of skips (at least 4), numerous HGVs squeezed together and an industrial Hiab on the yard, suggesting that the business is

	expanding; ▪ A haulage yard is unfit for a dwelling and environmentally unsound as a residential property would be exposed to toxic fumes and noise pollution; ▪ The applicant has moved his boundary to accommodate this new build; ▪ Access is poorly thought out – Catholic Road is already heavily congested and parking is already problematic; ▪ 3 parking spaces are indicated on the plans but where will visitors park? ▪ The lane that serves the existing properties acts as both an entry and exit; ▪ Refuse lorries already find it difficult to navigate the entry into the lane which will be even more difficult if this development goes ahead; ▪ A major amount of foliage and maturing trees would have to be removed to provide the access into the site. This is unacceptable as the trees provide screening against the unsightly haulage yard. These trees could be lost if the application is approved; ▪ All utilities are located within the embankment bounding the site any diversions or uprooting of these is unacceptable; ▪ The applicant has not adhered to planning conditions on previous applications. As a result there has been encroachment of adjoining land. The plans also show a severe encroachment onto land at no. 4 Catholic Road which is unacceptable; ▪ A pavement along Catholic Road will not benefit residents but will only add to issues of congestion, parking and turning. There is more involved in just creating a footpath. The residents were promised a re-alignment of the lane in 1989 should funds become available; ▪ The proposed acoustic fence is unsuitable; ▪ If the applicant argues that the house is required for security of the haulage yard, why doesn't he erect strong security fencing along the rest of his yard like he has done in places already (by-pass road side); ▪ Feel like Members may not be aware of the true picture of difficulties being faced by residents in Catholic Road; ▪ The size of the house contradicts the Access Statement that was submitted for an application to increase the size of the yard in 2011. It was said in 2011 that the land [application site] was needed for the haulage yard because haulage vehicles have increased in size. The increase in vehicles has not changed since 2011 (if anything it has increased). It is clear that this house will be on land that the applicant has consistently claimed is needed for the business. ▪ What are the applicant's 'true intentions' and how much of his commercial yard is he planning to take when his turning area seemed so precious and needful?

	▪ How can a house 10m x 12m be accommodated on the site? The amount of land from the haulage yard is of a substantial quantity and some of the land belongs to no.4 Catholic Road, including the parking spaces. ▪ The house is proposed to be built ON a fully operational commercial haulage yard, not NEXT to it. ▪ An ambulance was called to a resident 3 times in one week. It was during times when people were at work but the one time it struggled to manoeuvre when there were only a few cars in the lane, imagine the kind of catastrophe that would arise if a new access were to be allowed; ▪ Because of the lane being overcrowded the ambulance has to park in the middle of the lane which blocks other residents in the lower part of the lane from getting out. ▪ We have demanding jobs and get called out. Widening the upper part of the lane would not benefit those who reside at the bottom of the lane. A new access would only create more obstructions. ▪ The existing tree screening provides a barrier against the unsightly haulage yard. ▪ When the noise survey was carried out the applicant would have made sure the site was as quiet as possible which would not reflect a true picture. ▪ The Ecological Report states that 'the site is subject to regular disturbance and environmental variations, including loud vehicular movements inside and adjacent to the [workshop] building'. This proves that the ecological team are completely aware of the noise pollution of the yard. ▪ The proposed access will serious compromise the safety of both residents and that of pedestrians constantly using the lane as a thoroughfare to the well-being centre and Blaen-y-Cwm school as well as users of the Rugby Club and dog walkers. ▪ It is only through the goodwill of no.4 Catholic Road that residents can turn in the lane. ▪ Issues concerning the underground sewage system in Catholic Lane (blockages) would cause more sufferance and difficulty if a new build was approved; ▪ The Council should have hugely significant responsibilities for the resident's day to day safety and for the general public's safety of passage. There have been a number of near misses over the years and if the new access was granted the Council should be held accountable for any calamitous event that this access would cause. ▪ In conversations in 2002 with the Council we were told that Catholic Road was at its limit and therefore closed to any more planning

	applications, thus relinquishing the Council from the provision of a turning area at the end of the lane. ▪ Over the years residents have seen the volume of congested vehicles increase that would only rise further if a new access were to be added. ▪ The access will be opposite our property and would impede our ability to move our vehicles in and out of our property in a safe manner. ▪ We recently had an independent party measure the Lane. The conclusion was, as agreed by Residents, that the proposed construction would not be of any significance or benefit, whatsoever, to Catholic Lane, but only that we would lose a substantial and valuable loss of valuable trees that pertain to our screening of the haulage yard. ▪ Residents believe that any highway improvements should be for the whole lane and not just half the lane. Highway Improvements should be for the existing residents only. In addition to these written representations, objectors have submitted a number of photographs which they state support their points regarding the inappropriate nature of the site to accommodate a house. I have had full regard to these photographs when preparing this report.
4. Planning Policy	
4.1	<u>Team Manager Development Plans:</u>
4.2	The proposed site is located within the settlement boundary (Policy SB1) within which development is normally permitted subject to policies in the plan and other material considerations.
4.3	The land is not subject to any designations or constraints according to the Local Development Plan Proposals Map and Constraints Map.
4.4	A previous application (C/2018/0101) to develop a house (within a slightly different red line boundary) was refused on grounds of incompatible land use, visual impact and unacceptable impact on residential amenity of nearby residents.
4.5	It has been noted from the plan provided that the applicant has tried to address some of the issues by providing acoustic fencing between the proposed development site and the haulage yard and by providing landscaping along the site boundary at Catholic Road. A view will be required from Environmental Health and the Biodiversity Officer to ensure that previous issues have been addressed within the current proposal.
4.6	<u>LDP Policies:</u>

	SP4 – Delivering Quality Housing DM1 – New Development DM2 Design and Place Making SB1 – Settlement Boundary
4.7	Supplementary Planning Guidance Access, Car parking and Design (March 2014)
4.8	PPW & TANs: Technical Advice Note 12: Design (March 2016)
5. Planning Assessment	
5.1	The site falls within the settlement boundary within which new development is normally acceptable subject to policies in the Local Development Plan (LDP) and other material considerations.
5.2	The main issues when considering this application are 1) whether the principle of residential development is acceptable 2) the adequacy of the proposed access and 3) the impact on protected trees
5.3	Land Compatibility/Principle of Development One of the reasons for refusal of the previous application was that the dwelling would be located within an active haulage yard. It was considered to be an incompatible land use and consequently, the activities of the haulage yard in terms of noise, fumes and ancillary activities would prejudice future occupiers of the proposed dwelling.
5.4	As stated in Section 1 of this report, the plot is now proposed to be physically segregated from the haulage yard through the reduction of ground levels (by 2.5m), fencing off the site and introducing an access off Catholic Road. Notwithstanding that the proposed dwelling would still be located adjacent to an active haulage yard, it can in my view be legitimately argued that the reduction in levels would change the relationship so that the proposed dwelling would now be more closely associated and aligned with existing houses along Catholic Road rather than the commercial business to the rear. It would sit at a similar level to the adjacent dwelling at number 4, which is currently isolated from the other properties in Catholic Road.
5.5	I acknowledge the concerns raised by objectors in terms of the land compatibility and the reduction of land available for the active haulage yard as a result of the proposed development. Plans for a recently approved application on the haulage yard (for a replacement garage workshop, ref C/2019/0191) indicate a reduction in the footprint size of the

	garage/workshop. This will free up some parking space to the rear (east) of the yard. This additional parking area is not comparative in size to the amount of land being lost from the haulage yard to facilitate the proposed plot and it may not result in a reduction in activity on this side of the business yard. Nevertheless, this is not a reason for refusal. The local planning authority cannot predict the future business model of the yard; it may be that there is an intention to scale down the business, or conversely, if the business proposed to expand, it would be limited in space and as such would need to consider securing larger alternative premises. Likewise, the approved replacement garage/workshop may not be implemented and the yard may continue to operate in its current format.
5.6	To that end, I do not consider that the physical reduction in the size of the haulage yard will adversely impact upon existing residents to the west (along Catholic Road). Indeed, the net result may be a positive one. The proposed house could provide an additional buffer between the haulage yard and the existing residents of Catholic Road and the entrance into the haulage yard remains unchanged, with no commercial haulage vehicles needing to go down Catholic Road.
5.7	However, given that haulage vehicles often park in the location of the proposed plot, I do acknowledge that a reduction in the size of the yard would likely result in haulage vehicles parking elsewhere within the yard, namely to the south/south-east. As a result, haulage vehicles could become more visually prominent for the occupiers at 4 Catholic Road. That said, I note that there is currently no restriction within the haulage yard as to where vehicles can park and so there is nothing to prevent vehicles being parking in this location now. Thus, the potential visual impact of haulage vehicles upon 4 Catholic Road exists regardless of whether this application was approved or not.
5.8	I acknowledge that historic permissions may have required a screen fence to be installed, but this has never been implemented. However, it is worth noting that the approved garage/workshop scheme for the yard (as referred to above) includes the provision a new boundary fence to the southern boundary between the yard and 4 Catholic Road. This would provide additional screening in the event that parking within the yard increases to the south-eastern end. Notwithstanding the condition on the garage/workshop permission, a condition could also be imposed as part of this development that would require the installation of a fence along the south-east boundary prior to development.
5.9	Having considered the above, I am of the opinion that on balance, the issues

	relating to the principle of development have been addressed as part of this application through the reduction in land levels and the provision of a revised access point. As such, I am of the view that the principle of a single dwelling on the site is acceptable, in compliance with LDP Policy DM1(2)a.
5.10	Amenity Impact In considering the impact of the activities of the haulage yard upon the future occupants of the proposed dwelling, no concerns in respect of fumes, dust or other ancillary operations were raised by the Council's Environmental Health Officer. However, the officer did advise that issues in respect of noise could not be determined without the submission of a Noise Impact Assessment. The applicant was afforded the opportunity to submit a noise assessment which was subsequently submitted and a re-consultation exercise carried out.
5.11	The Noise Impact Assessment concludes that as a result of the proposed level changes and the screening from the built from of the dwelling, external amenity noise levels for future occupants of the proposed dwelling would be adequately provided for with appropriate screening. In that regard, the report recommends that the boundary structure (separating the proposed dwelling from the haulage yard) does not need to be of an acoustic specification and need not be constructed of anything more substantial than a close-boarded timber fence. The Council's Environmental Health Officer has confirmed that he is satisfied with the findings of the Assessment and has no further objections to the proposed development. Having regard to the advice of the Environmental Health Officer I am satisfied that the Noise Assessment demonstrates that the impact of the existing haulage yard upon the proposed dwelling is within acceptable parameters and will not prejudice the future occupants.
5.12	Proposed Access The access to the proposed plot will be via Catholic Road with a newly formed entrance created to the eastern side of the road, adjacent to the existing drive at 4 Catholic Road. As part of the scheme, the section of Catholic Road bounding the site would be widened from approximately 3.6m (at its narrowest point) to 4.8m and a 1.2m wide footpath provided on land currently in the applicant's ownership. It is worth noting that the road is already in excess of 4.8m at certain points, particularly towards the proposed driveway entrance and as such only a footpath would be required in this area. The footpath would be to the eastern side of the road (opposite existing dwellings).
5.13	Residents have continually raised concerns that the existing width of the

road is too narrow, particularly in terms of emergency vehicles gaining access to properties at the lower end of the street as there is no turning area.

5.14 I have noted during numerous site visits that residents park along the road as a result of limited on-plot parking (many only have provision for 1 car within their property and some none) and vehicles often need to use the open driveway of 4 Catholic Road in which to turn around. I also acknowledge that public access steps are situated at the end of the street linking Catholic Road to the main bypass road (with Brynmawr surgery and Blaen-y-Cwm School opposite) without the benefit and safety of a public footpath link.

5.15

Fig 6. (left). View looking northwardly up Catholic Road (from the pedestrian access steps)

Fig. 7 (below). 'Upper section' of Catholic Road stood at the access of 4 Catholic Road looking up the Road.

5.16 Whilst I am sympathetic to the residents' concerns, particularly in terms of emergency vehicular access, it is unreasonable to expect an applicant to provide a full road widening scheme, (including turning area and footpath) to extend the full length of the street – which far exceeds the extent of the development site. The applicant can reasonably be required to mitigate for

	the localised impact of this specific development and the proposal to increase the width of the road and provide a footpath along the street immediately fronting the site will only serve to benefit the current situation.
5.17	I also acknowledge the residents' concern that the proposed plot will exacerbate current parking problems, including access for emergency vehicles. However, the Highway Authority have raised no objection in this regard and I share this view. The new road alignment would comply with this Councils design guidance for residential roads. The proposed plot is not only large enough to accommodate the 3 required parking spaces for the dwelling, but has the capacity to provide on-plot parking for visitors to the property. As such, I see no reason why there should be any overspill into Catholic Road or cause any detrimental impact upon the existing situation. In fact, the widening of the road fronting the development site will improve the current access arrangements for road users, including emergency vehicles. It would be unreasonable to refuse an application that provides more than sufficient on-plot parking because of problems experienced due to the lack of parking at existing properties. Any inconsiderate or illegal parking is not a material planning consideration to which weight should be attached and as such is not a reason for refusal. There are other enforcement regimes to deal with the issue.
5.18	I do however agree that allowing an additional access off Catholic Road will result in more vehicular movements within the upper section of Catholic Road. Again, no concerns in this regard have been received from the Highway Authority and I do not consider the addition of one dwelling will cause such a detrimental impact as a result of vehicular movements to warrant refusal of the application.
5.19	I appreciate the residents' claim that they were promised a re-alignment of the road in 1989 should funds become available. However, it has been explained to the residents previously (and highlighted by the case officer who dealt with the previous planning application under ref C/2018/0101) that any issues residents have with historic correspondence or implications of a road widening scheme that was not implemented by the former Gwent County Council or the former Borough Council, must be addressed independently of this planning application and should not unduly influence the determination of the application which must be considered relative to current planning policies and guidance.
5.20	<u>Trees</u> Existing trees along the western boundary have recently been safeguarded with a Tree Preservation Order (TPO) as it was recognised (following the

	submission of a tree survey) that whilst the trees are only of moderate retention value in terms of their health, they are considered to be of high amenity value. This is due to the screening they provide to residents along Catholic Road from the existing haulage yard.
5.21	In order to assess the impact of the proposed development and road widening scheme upon the TPO trees, an Arboricultural Impact Assessment (AIA) has been provided at the request of the Council's Landscape Officer. The assessment identifies that the development will have some impact on the existing tree cover, including the loss of a number of trees, which will reduce the current level of screening between the haulage yard and residents along Catholic Road.
5.22	However, the Landscape Officer has confirmed that the existing condition of the trees, is unsustainable and in need of management if they are to be retained. He is therefore satisfied that if the recommendations of the AIA report are fulfilled; including appropriate management combined with use of retaining structures and replanting, it will ensure that the future screen will not only be retained but also enhanced. A condition can therefore be imposed that would require the developer to implement the recommendations of the report.
5.23	Notwithstanding the above, I appreciate the resident's claims that conditions on previous historical applications may not have been adhered to. However, this application must be assessed on its merits. If appropriate management and future protection of the trees can be secured through the imposition of a condition, then it would be unreasonable to refuse the application. This application is for outline planning permission only and should a reserved matters application be forthcoming then it would be considered at that later stage. Moreover, in the event that the developer subsequently breaches a planning condition they would be liable to enforcement action.
5.24	<u>Design and Layout</u> Indicative plans show a 2-storey dwelling. No details of design have been provided as these are reserved for future consideration. Scale parameters (minimum and maximum dimensions of the dwelling) are however a material consideration. Following negotiations, the length, width and height have been reduced in size from what was originally submitted as part of this application. The dimensions (as listed in Section 1 above) are not disproportionate to surrounding dwellings, which consist of a mixture of 2-storey houses and a dormer bungalow. Indeed, the scale parameter heights proposed for this dwelling allow for the provision of either a dormer bungalow or 2-storey dwelling. Moreover, the indicative footprint of the dwelling will

	allow for sufficient amenity space and on-plot parking for a minimum of 3 cars plus visitor parking, in line with Supplementary Planning Guidance 'Access, Car Parking and Design' and Local Development Plan Policies DM1(2)d and DM1(3)d.
5.25	Land Ownership The purpose of the land ownership certificate on the application form is to ensure that all relevant parties with an interest in the land are notified of the application. I am satisfied that all interested parties have been consulted as part of the application process.
5.26	The applicant has served notice on Mr and Mrs Leyton Williams as having a legal interest in the land. I note that in the officer's report for the previous application (C/2018/0101), the Council was also named as having a legal interest in the land with notice being served on the Council's Highways and Estates departments. This has not been done as part of this application. However, I note that the application site boundary outlined in red for this application differs from that indicated on the previously refused application and does not include land adjacent to the haulage yard entrance. Furthermore, as part of the previous application, the Council's Estate's department had confirmed that the Council has no record of owning any of the land contained within the development site. This position is challenged by residents who are in possession of paperwork they purport to suggest the Council does own land in this area as a legacy of historical highway works. The Team Manager of Estates and Strategic Asset Management has checked and re-checked and confirms that he can find no evidence to support this position.
5.27	Following a separate land ownership dispute raised during the consultation process for this application, the agent has re-affirmed that the correct certificate has been signed.
5.28	Members are reminded that land ownership disputes are not a planning matter and must have no bearing on the determination of an application. An informative note can be added to any decision issued that outlines the applicant's responsibility to gain permission from any land owners in order to avoid civil action being taken against them.
5.29	Other Matters I have had due regard to all the issues raised by the objectors which have either been addressed within the report or are not considered to be a

	material planning consideration. I note that the objectors have made reference to an independent survey carried out on their behalf (section 3.28 above). However, no details have been submitted.
5.30	With regards to the comment that Catholic Road experiences issues regarding the sewerage system, I note that Welsh Water have confirmed that capacity exists within the public sewerage network to receive foul flows from the proposed development.
5.31	<u>Conclusion</u> This outline application only considers the principle of development and the proposed access and scale parameters. All other matters are reserved for future consideration. The principle of a single dwelling is appropriate in the context of what is predominantly a residential area. The proposed road widening and introduction of a public footpath will not only serve to benefit the proposed dwelling but also the existing users of the lane. The increase in traffic to serve a single dwelling is not considered to cause rise to highway concerns. Sufficient parking provision is provided within the proposed plot thus avoiding additional on-street congestion. Whilst the existing tree screening will be affected in the short term, appropriate management of the protected trees to the periphery of site will ensure the longevity of the screening and should serve to further protect residents from what they claim to be the detrimental effects of the existing yard on their residential amenities. Based on the above, there are no legitimate reasons to refuse this application.
6. Legislative Obligations	
6.1	The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.
6.2	The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.
7. Conclusion and Recommendation	
7.1	I recommend that planning permission be **<u>GRANTED</u>** subject to the following conditions:

1. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local Planning Authority before any development begins and the development shall be carried out as approved.
   Reason: These reserved matters have not been submitted for the approval of the Local Planning Authority.

2. The application for the approval of reserved matters must be in accordance with the details contained in the following plans and documents:
   - Site Location Plan, stamped received 24 July 2019;
   - Scale Parameters (only) as listed on Revised Indicative Elevation, dwg no. 300/5 Rev A and dwg no. 300/6 Rev A, both received 12 March 2020;
   - Indicative Block Plan, dwg no.300/1 Rev D, received 16 January 2020

   unless otherwise specified or required by conditions 4-10 listed below.
   Reason: To clearly define the scope of this permission.

3. This approval does not relate to the illustrative plan(s) submitted in support of this application.
   Reason: In the avoidance of doubt and to clearly define the scope of the permission.

4. Notwithstanding the details on the approved plans, the surface water drainage proposals are not approved.
   Reason: To clearly define the scope of this permission.

5. Approval of the following details shall be obtained from the Local Planning Authority prior to the commencement of development :-
   a) A topographical survey showing existing and proposed site levels including cross section drawings through the site showing the relationship of the development with adjacent land and buildings;
   b) details of foul water drainage;
   c) position, height and materials of walls/fences and other enclosures;
   d) construction and finish details of all retaining walls in excess of 1.5 metres (including structural calculations); and

   The dwelling hereby approved shall not be occupied until all works are implemented in accordance with such details as may be approved in writing by the Local Planning Authority.
   Reason: To ensure an acceptable form of development.

6. Notwithstanding the details required pursuant to condition 5(c) above, no development shall take place until details of a fence along the south-east boundary as marked x-y on the plans (adjacent to 4 Catholic Road) have been submitted to and approved in writing by the Local Planning. The fence, as may be approved, shall be installed prior to commencement of development.
   Reason: To protect the residential amenity of the adjacent property.

7. No development shall take place until construction details of the proposed highway improvement scheme are submitted to and approved in writing by the Local Planning Authority. Such details shall include provision for a new footway on land not part of the existing adopted highway which shall incorporate the proposed driveway entrance. Such details as may be approved shall be implemented prior to occupation of the dwelling hereby approved.
   Reason: In the interests of highway safety.

8. The development shall be implemented in full accordance with all the recommendations contained in the Arboricultural Implications Assessment Report by Steve Ambler & Sons Tree Specialists Ltd, dated 18th March 2020.
   Reason : To safeguard the protected trees

9. Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Verification Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.
   Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

10. All applications for the approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the

reserved matters to be approved, whichever is the later.
Reason: To comply with the requirements of Section 92 of The Town and Country Planning Act 1990.

Informative Notes:

1. The applicant/developer should note that the development hereby approved also requires SuDS approval before work commence. Further guidance can be found at https://www.blaenau-gwent.gov.uk/en/resident/planning/how-to-apply-for-planning-permission/permission-for-drainage/
   On such basis any surface water drainage details submitted as part of your application have not been considered. Should it be necessary to amend your development to meet the requirements of the SAB (SuDS Approval Body) you should seek further advice from the Local Planning Authority.

2. The Local Planning Authority has determined the planning application on the basis of the information contained in Certificate A in relation to land ownership which has been confirmed as being correct by the agent. This planning permission does NOT convey rights of access/encroachment over land that the applicant does not own. The applicant should ensure that any necessary consents are obtained prior to carrying out any works. Failure to comply with this advisory note could lead to civil action being brought against the developer by an aggrieved party.

3. The applicant is advised of the following legislation:
   - All wild birds, their nests and their eggs are protected under the Wildlife and Countryside Act 1981 (as amended).
   - All British reptiles are protected from intentional killing, injuring and sale under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).
   - Badgers and their setts are fully protected under the Protection of Badgers Act 1992. In addition, they are listed on Schedule 6 of the Wildlife and Countryside Act 1981 (as amended), which prohibits certain methods of killing and capture.
   - Hedgehogs are protected from certain methods of killing or capture under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended).

4. The site is located in an area overlain with made up ground associated with historical industrial works. If during the course of development any evidence of contamination is found the developer is advised to cease

	works and contact the Council's Environmental Health section on 01495 355509 for further advice. 5. The applicant is advised to consider the need for the provision of:- a. adequate water supplies on the site for firefighting purposes; and b. access for emergency firefighting appliances. For further information contact firesafety@southwales-fire.gov.uk 6. The applicant is reminded that it is an offence to obstruct a public right of way. The right of way in the area of the application must remain available for use and the safety of the public using the path must be ensured at all times.
8. Risk Implications	
8.1	In the event planning permission is refused the applicant may appeal to the Planning Inspectorate.

Report Date:
Report Author:

Planning Report

Application No: C/2019/0333	**App Type:** Retention
Applicant:	**Agent:**
Mr. Matthew Jones 50 St Georges Court Tredegar NP22 3DB	Mr Adrian Drew 14 Thornhill Close Brynmawr NP23 4SA
Site Address:	
Land Adj. The Spirals, Dukestown Road, Tredegar	
Development:	
Retention of domestic garage (Revised Scheme).	
Case Officer:	Jane Engel

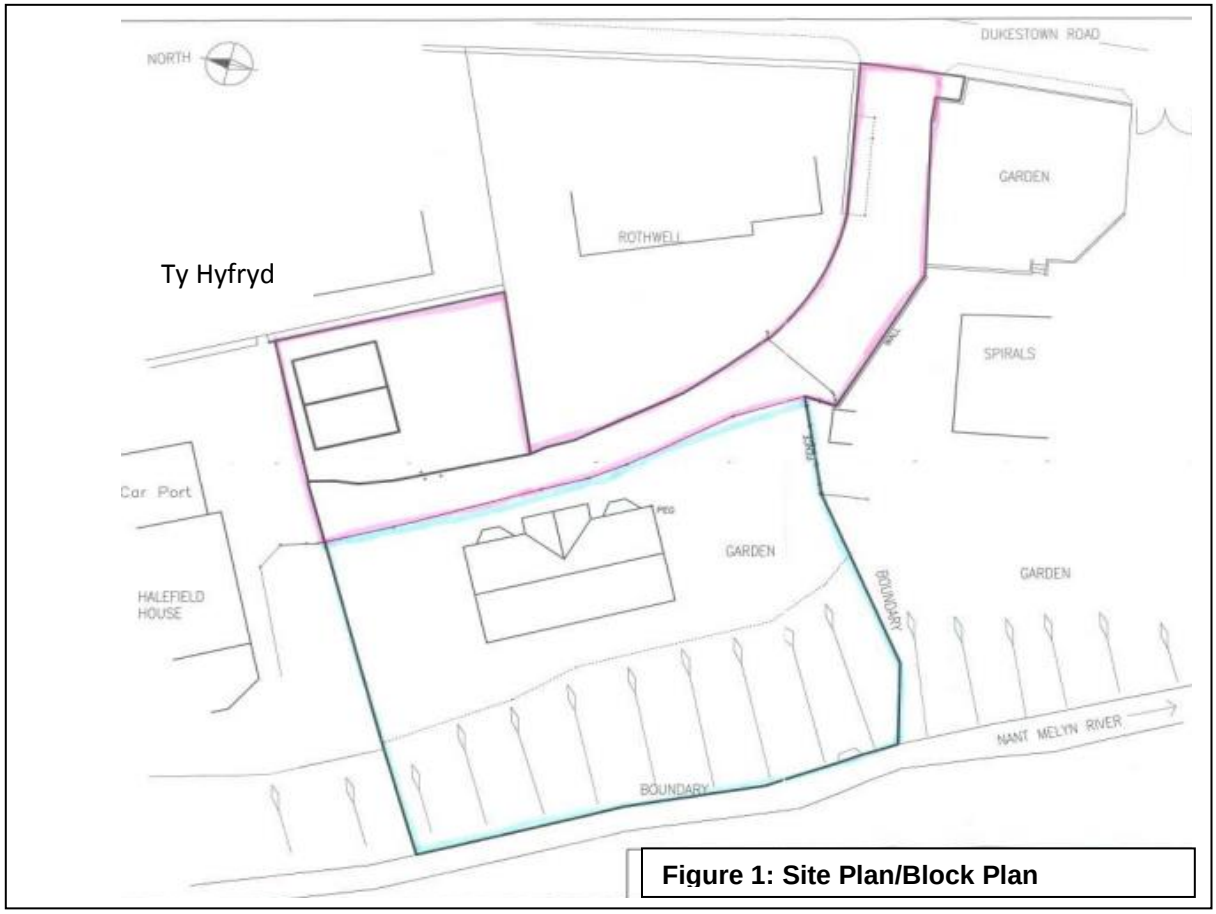


Figure 1: Site Plan/Block Plan

1. Background, Development and Site Context	
1.1	Planning permission was granted in July 2018 for a detached house and garage on land adjacent to the Spirals, Dukestown Road, Tredegar. Works have commenced on site. Following concerns raised by a neighbour in relation to the size of the garage and a visit by a planning Compliance Officer it was found that the garage had been built 0.5m higher than that originally

	approved and 0.4m closer to the boundary with a neighbouring property. It was also found that the garage measures 16cm wider but 7.5cm shorter than approved.
1.2	The garage is divorced from house under construction separated by a shared drive serving two existing properties (Rothwell and Halefield House) and the new house under construction. The garage lies south of Halefield House, north of Rothwell. The property known as Ty Hyfryd sits to the east of the application site albeit at a higher level.
1.3	The details submitted initially proposed to retain the garage as built however following concerns raised in relation to the impact of the proposal upon the amenity of the occupiers of an adjacent residential property, the plans have been amended and now relate to a proposal which involves reducing the overall height of the garage by 500mm, to the height previously approved. It is these amended plans that form the basis of my report.
1.4	The height of the garage under consideration measures the same as that previously approved i.e. 2.4 metres high to the eaves and 4.4m high to the apex. However, the footprint is marginally bigger being 16cm wider but 7.5cm shorter and is positioned 0.4m closer to the rear boundary wall of Ty Hyfryd.

2. Site History

	Ref No	Details	Decision
2.1	C/2015/0388	2 building plots (outline)	Withdrawn
2.2	C/2016/0047	One dwelling (outline)	Approved 11/07/2016
2.3	C/2018/0306	Proposed new dwelling and detached garage	Approved 29/05/2019
2.4	C/2019/0173	Discharge of Condition 2 (drainage)	Approved 31/07/2019

3. Consultation and Other Relevant Information

3.1	**Internal BG Responses**
3.2	Team Leader Building Control: Building Regulations approval required
3.3	Service Manager Infrastructure: Highways: No objections

3.4	**External Consultation Responses**
3.5	Town / Community Council: No objections
3.6	**Public Consultation:** • 4 letters to nearby houses • ~~site notice(s)~~ • ~~press notice~~ • website public register of applications • ward members by letter • all Members via weekly list of applications received • ~~other~~
3.7	Response: Three letters/e-mails were received in response to the initial neighbour consultation. Following receipt of the amended plans re-consultations were carried out and a further e-mail was received.
3.8	The first e-mail raised matters relating to the consideration of the original application for the house and garage and alleged that the applicant had deliberately built the garage larger than approved. It further stated that the garage is more the size of a house than a garage.
3.9	The second e-mail raised a number of issues relating to the submitted planning application form and queried whether the application should be subject to SAB approval and queried differences between the garage layout plan and that approved for the house and garage,
3.10	The third e-mail raised objections to the retention of the garage 'as-built' on the following grounds: • Proximity of garage to the boundary wall. Insufficient space to allow maintenance of the wall; • No Party Wall Act 1996 notice has been served; • Obstruction of light; • The garage is overbearing;
3.11	The fourth e-mail was received from the same authors as e-mail 3. It reaffirmed their objections to the development as detailed on the amended

	plans In brief they :- • Acknowledged the reduction height however reiterated that the proximity of the garage to the boundary wall is their main concern. Resulting in the garage being overbearing and making maintenance of the wall impossible. • Reiterated that no Party Wall Act Notice has been served. • Confirmed that they would compromise if the garage was to be reduced further but don't specify if in relation to ridge or eaves.
4. Planning Policy	
4.1	Team Manager Development Plans: LDP Policies: DM1 New development Supplementary Planning Guidance Design Guidance Note 2 Garages and Outbuildings
5. Planning Assessment	
5.1	The application is for the retention of a garage which has been built in association with a new dwelling currently being constructed on a plot located within an established residential area of Dukestown. As such in land use terms the proposal is considered compatible with the surrounding area.
5.2	The principle consideration in determining the application relates to the impact of the proposal upon the amenities of the occupiers of the residential properties in the vicinity, particularly Ty Hyfryd which is a detached house located on an elevated site immediately to the east of the application site. There is a difference of approximately 2 metres between the application site and the garden level at Ty Hyfryd, the boundary between the properties being defined by a stone retaining wall of approximately 2.2 metres in height. The garage as now constructed (in common with the garage approved in May 2019 as part of the original permission for the house and garage) is sited in such a manner that its side elevation runs parallel with the existing boundary wall with Ty Hyfryd and will feature access doors on its southern elevation opening onto a hardstanding parking area positioned between the garage and the adjacent house to the south. Refer to block plan at figure 1.

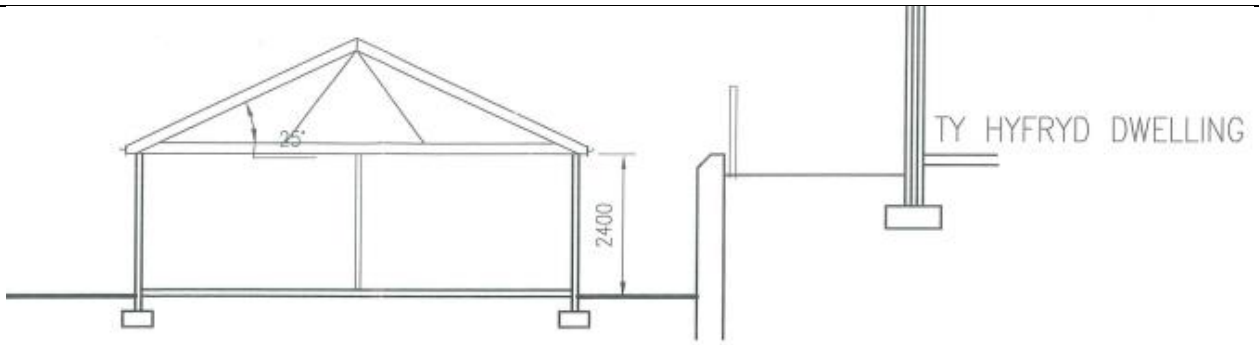


Figure 2: Cross Section Showing relationship of garage to Ty Hyfryd

5.3 The garage has a gable roof with a ridge running north to south and sits side on to the boundary wall, approximately 2m away from the boundary with Ty Hyfryd. The rearmost wall of Ty Hyfryd itself is positioned approximately a further 2.7 metres from its boundary resulting in the side wall of the garage being positioned approximately 4.7 metres from the rear elevation of the objectors property. The apex of the garage roof is 7.7m away from the rear elevation of the house.

Figure 3: Photo taken from shared driveway

5.4 Due to the difference in levels between the application site and the neighbour's property and the positioning of the garage in relatively close proximity to the boundary between the properties it is only roof of the garage that can be clearly viewed from the objector's property and associated curtilage.

5.5 When I visited the objector's property to assess the impact of the garage (as constructed) on the amenities of the occupiers I concluded that the increased

	height of the garage was such that it was unacceptable. The photographs below shows the impact the structure had on the outlook of the occupiers of the adjacent property. Whilst there is no right to a view the planning authority is required to consider issues such as the appropriate mass of development. In my opinion the overbearing impact of the garage roof in such close proximity to rear most wall of Ty Hyfryd meant that the development was visually unacceptable.
	 **Figure 4: Photo taken from the kitchen of Ty Hyfryd**
5.6	Based on this, the applicant was asked to amend his application and reduce the height of ridge of the garage roof to the height of the garage for which planning permission had been previously approved.
5.7	The amended details received propose to reduce the height of the garage to that originally approved albeit the garage is slightly wider and sited 0.4m closer to the shared boundary with Ty Hyfryd. I fully accept that the garage of such height in the slightly revised position will continue to have an impact on the outlook which the occupiers of Ty Hyfryd will enjoy from their property, however I am of the view that due to site levels a garage of the height now proposed will not have such an overbearing impact on the amenities of the neighbours in question as to render it unacceptable. This is particularly the case as the highest point of the roof (the ridge) will be positioned some 7.7m away from the rear elevation of Ty Hyfryd and the neighbour will continue to be able to enjoy a reasonable outlook from the elevated patio level immediately to the rear of his house and from habitable room windows within his property. The garage as shown in the photographs is as built and formed the basis of the application as initially submitted. Changes will be necessary

	to the as built garage should this application be approved.
5.8	The objector has also indicated that he considers the garage as constructed to be positioned too close to this shared boundary and that this will impede maintenance of the existing retaining wall. Such issues are a civil matter between the parties involved. However I note that the garage is sited some 2m away from the boundary wall which should provide reasonable levels of access, subject to the agreement of relevant parties.
5.9	The alleged failure of the applicant to serve notice under the Party Wall Act is not a material planning consideration. This is a civil matter between the parties involved.
5.10	With regards to the other matters raised in the letters received, I would comment as follows. The current application is for a domestic garage only and is being considered as such. Should there be any intention to convert the garage to a separate residential dwelling then a separate planning application would be required. I would strongly deny that the application is not being considered appropriately. Due consideration is being given to all relevant planning policies and the appropriate weight is being given to all matters raised by third parties.
5.11	The errors on the form are noted however these do not affect the consideration of the application. The matters raised regarding differences between the submitted plans and the previously approved plans for the house refer to details submitted in relation to the construction of the house. e.g car parking space, bin store, boundary treatments which are not being considered as part of this application.
5.12	The queries in respect of the scaling of plans are noted however these issues occur when plans have been scanned and printed. The dimensions of the garage are clearly identified. In relation to the query in respect of whether the proposal requires SAB approval, the application for the garage and the formation of the driveway/access are now the subject of a separate planning application to the main house f. The area of the garage and its defined apron are under 100sqm and as such does not require SAB approval.
5.13	Having had regard to all the matters raised I consider that the proposal in its current form to be acceptable. Requiring a reduction in height of the garage as built to align with that originally approved is considered reasonable. I consider it would be unreasonable to require the garage to be further reduced to account for the relatively minor changes to the size of the building and its siting, especially taking account of the ground level differences which

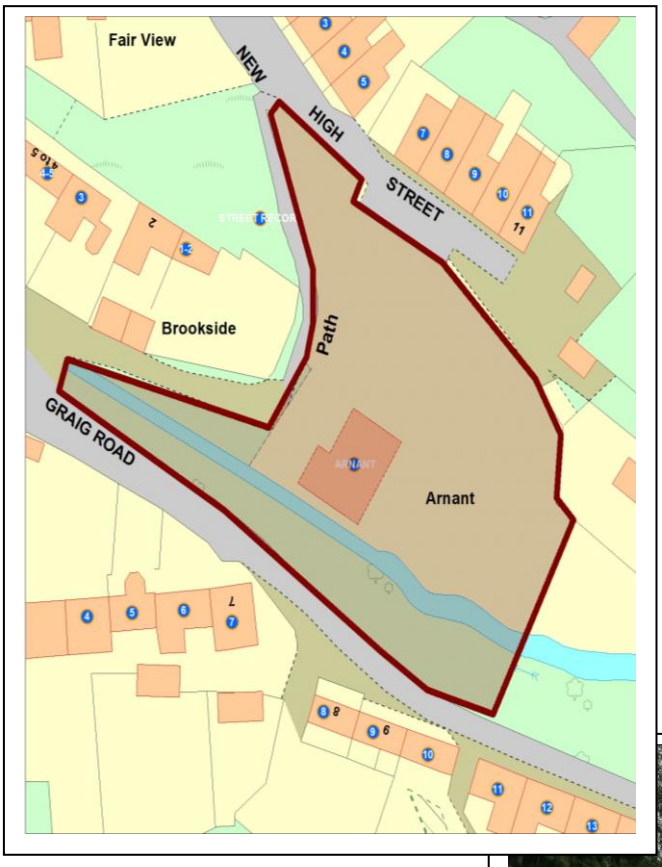
	are evident between the application site and the objector's property. Overall I consider that a garage of the dimensions for which planning permission is now sought would not have an unacceptable impact upon amenities of the occupiers of neighbouring residential properties and accords with policy DM1 2c.
6. Legislative Obligations	
6.1	The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.
6.2	The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.
7. Conclusion and Recommendation	
7.1	Planning permission be **GRANTED** subject to the following condition(s): 1 The development shall be completed in full accordance with the following approved plans and documents: • Proposed Garage (Revised) Drawing Ref 19/MJ/202A received 6 February 2020. • Section Drawing Ref 19/MJ/202B received 6 February 2020. • Site Plan Drawing Ref 19/MJ/119B received 3 December 2020. • Site Location Plan 19/\MJ/201A received 17th July 2020 Reason: To clearly define the scope of this permission. 2 The garage hereby approved shall only be used for the parking of private motor vehicles and for uses incidental to the enjoyment of the dwelling house. The garage shall not be used in conjunction with any business or commercial use. Reason: To clearly define the scope of this permission and to safeguard residential amenity interests. 3 The finishes to the garage shall be applied within 3 months of the development being brought into use. Reason: In the interests of visual amenity

	Informative advice 1 The applicant is advised that any issues regarding the Party Wall Act are a civil matter between the interested parties
8. Risk Implications	
8.1	**None**

Report Date:
Report Author:

Planning Report

Application No: C/2020/0111	**App Type:** Retention
Applicant:	**Agent:**
Miss Dawn Pieta Arnant Graig Road Six Bells, Abertillery NP13 2LR	N/A
Site Address:	
Arnant, Graig Road, Six Bells, Abertillery, NP13 2LR	
Development:	
Retention and completion of re-profiling works to embankment, extension of residential curtilage and associated works.	
Case Officer:	Joanne White



1. Background, Development and Site Context	
1.1	This application relates to a detached dwelling known as 'Arnant' located in Graig Road, Six Bells.
1.2	The application site is surrounded by residential properties, with terrace properties along New High Street located to the north, Bryn Terrace to the west and Terraces along Graig Road to the south and south-west. An area of vacant land to the east separates the site from the adjacent house.
1.3	The topography is such that the house sits within a basin with the surrounding land rising steeply to the sides and rear of the property. As such, a retaining wall runs along the northern boundary which supports the road along New High Street whilst trees occupy the eastern and southern boundaries. Despite the size of the site, the usable amenity area is currently restricted to a small raised patio positioned to the rear.
1.4	The whole application site falls outside of the settlement boundary, as defined by the Adopted Local Development Plan (LDP). The land is also designated as a Special Landscape Area under policy ENV2. This essentially means that the whole site, including the house itself, is categorised as being within 'open countryside'.

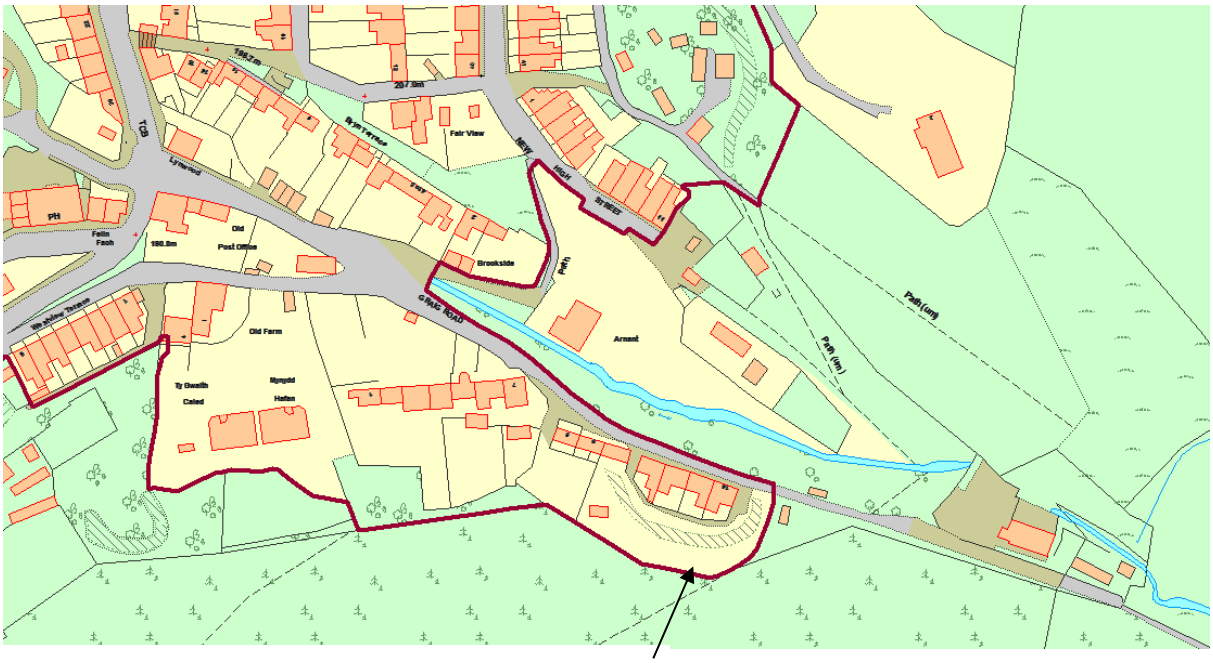


Fig 1. Red line shows the settlement boundary line

1.5	The house itself sits across two legally separate parcels of land with a culvert running alongside it. As such, when the applicant purchased the house in 2018 she did so with both parcels of land on the assumption that it all formed

	part of the garden. Upon visiting the site there is no physical evidence of where the garden ends, nor is it is apparent when looking at the pattern of development. .
1.6	Following a routine site visit in the area an officer reported the removal of trees and re-profiling works being carried out to the northern embankment at the property. Whilst the removal of the trees do not require planning permission (as the trees in question were not subject to a Tree Preservation Order), it was identified that the re-profiling works being carried out were significant enough to warrant requiring a planning application. It was also recognised that the works being undertaken were not within the established garden area. During discussions and in correspondence the applicant has since confirmed that the purpose of the re-profiling works is twofold:
1.7	• to clear the embankment between the house and New High Street of rubbish (including car parts and household waste) that had been dumped there by others; and • to re-profile it so that natural gravel paths could be incorporated for future maintenance. Due to the steepness of the land the applicant is currently unable to climb it. Works had commenced on the re-profiling but were abandoned pending consideration of the current planning situation, once the applicant was informed that the land was essentially countryside.
1.8	This application now seeks permission to :- • retain the works already implemented and complete the re-profiling works to the embankment. • extend the garden in 2 areas – a small section to the front of the site (incorporating an existing retaining wall and grass verge) and an area to the rear of the property. • provide a new parking area to the lower (western) edge of the site with a 1.2m high gate; • provide a 1m high picket fence around the new parking area, culvert and adjacent to the access drive; • extend an existing driveway/parking adjacent to the house to allow for sufficient turning space; • install 2m high fences to the side of the property to enclose the rear of the site.
1.9	<u>It should be noted however that the new parking area, 1m high picket fence, extended driveway and the 2m high fences do not require planning permission.</u>

1.10 The plan below shows the land ownership outlined in red, the existing garden in blue and the additional areas to be incorporated into the garden shaded in orange. .

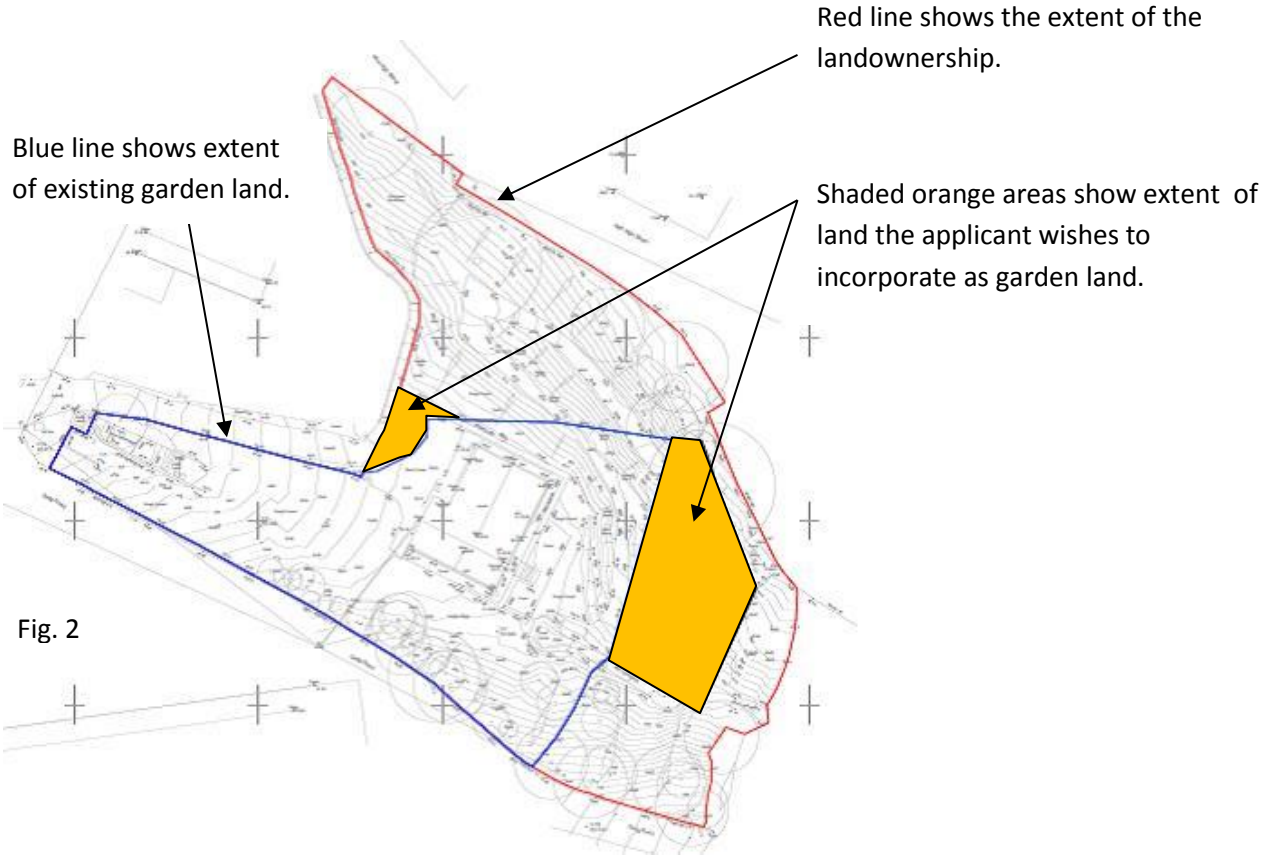


Fig. 2

1.11

1.12 Soft landscaping is proposed to the existing and extended garden whilst tree planting and wild meadow planting is proposed to the northern embankment. Narrow gravel paths will weave amongst the trees to provide access to the embankment for maintenance purposes. The section drawing below show the existing (temporary) profile of the embankment (blue line) and the proposed profile once completed.

1.13

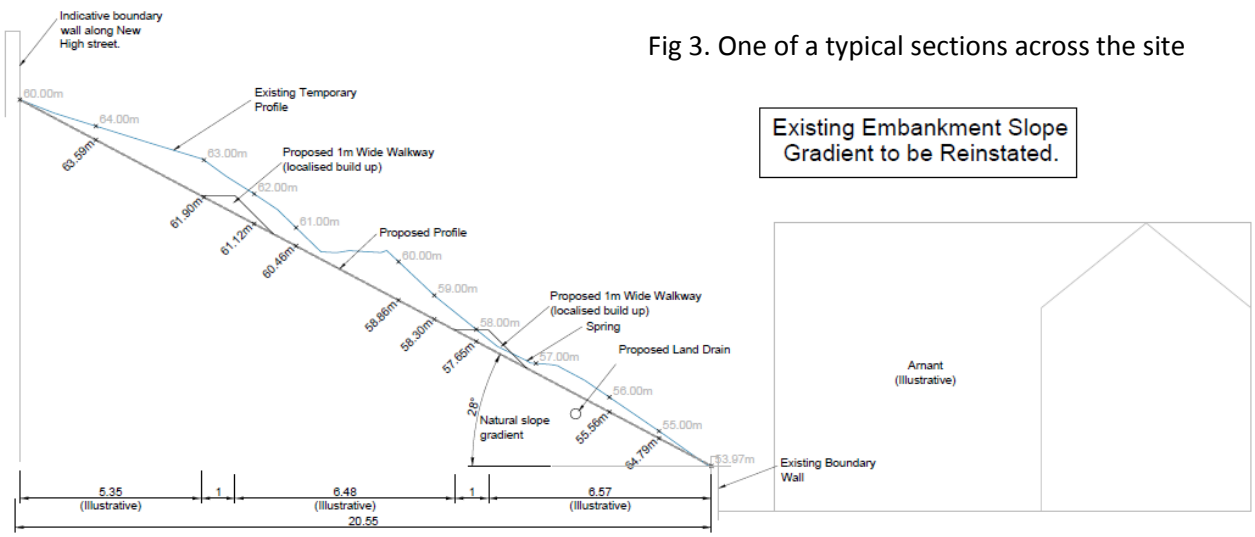


Fig 3. One of a typical sections across the site

1.14 Fig 4. (below) showing proposed landscaping works

1.15	Fig 5 (below): Photo of the embankment in its current form 

2. Site History

	Ref No	Details	Decision
2.1	C/1999/0012	1 Detached dwelling	Approved 09.06.99
2.2	C/2002/0154	Renewal of outline 99/0012 for 1 detached dwelling	Approved 09.07.02
2.3	C/2003/0191	Detached dwelling	Approved 18.12.03

3. Consultation and Other Relevant Information

3.1 **Internal BG Responses**

3.2 Team Leader Building Control: Building regulations not required.

3.3 Service Manager Infrastructure:
Highways: No objection. Request that the first 1m of the proposed parking/driveway area adjacent to existing driveway is to be hard paved in construction.

3.4 Drainage:
The development may require SAB approval if the development area is over 100m^2 which may be the case as there seems to be two substantial paved areas on the plan. However, the areas are not explained in the key.

	If SAB consent is not required then, as there has been flooding at this location earlier this year I would want to know more about the arrangements for dealing with the flow of this watercourse.
3.5	Landscape: The area in question is characteristic of the settlement edge where there is an acceptable association with garden land. The principle of the change of use is acceptable. In respect of the revised landscaping plans 004 and 005 - Although there is a limited level of detail in terms of specification and management, there does seem to be an attempt to create a naturalistic garden with fruit trees and wild flower areas around the property and success will depend on how much effort the property owner wants to put into ongoing management. Require further details or a condition requiring details of ground preparation, planting schedule and a management plan.
3.6	Ecology: Support landscape comments. As the planning application is retrospective, and the date of commencement was February 2019, the works were unlikely to have had a negative impact on wildlife, however best practise is to consider protected species before such works commence.
3.7	**External Consultation Responses**
3.8	Town / Community Council: Due to the current situation of the Pandemic the office has been on lockdown since 23 March 2020 and no meetings have been able to take place. Therefore, the Town Council are not able to make comments at this time until official guidance from the Welsh Government is given to reopen the office.
3.9	Welsh Water: Requires SAB approval. Request condition that no surface water or land drainage to connect directly or indirectly with the public sewerage network.
3.10	**Public Consultation:** • 15 letters to nearby houses • 1 x notice • press notice • website public register of applications • ward members by letter • all members via weekly list of applications received

3.11	Response: 3 Letters of objection have been received. The issues raised are summarised below: • The application form says there are no flooding issues but in February 2020 the culvert overflowed and flooded the post office at the bottom of the hill. • Concerns raised over the works carried out to the culvert – the culvert is not fit for purpose • No objection to the plans for landscaping and garden being made but subject of the brook doesn't seem to have been addressed. • The amount of water that comes off the mountain meant that the brook breached its banks washing the hardcore from the house into the culvert which then blocked and caused the flood. • It is important that it is ensured that the culvert works have or will be carried out to an appropriate level to ensure that similar flooding does not occur in the future. • Object to the 2 parking spaces. Immediately in front of these spaces provides access to the top of Graig Road and is used for parking for houses in Graig Road and Bryn Terrace. Also concerned works will undermine Graig Road. • The addition of parking and fences will spoil the aesthetics of the area for other residents.
4. Planning Policy	
4.1	Team Manager Development Plans: An important consideration in this case is that the property lies outside the settlement boundary. The intention of leaving it outside the settlement boundary (when that was defined on the LDP Map in 2012) was to stop the area being developed for further residential development. However this does not stop development to the existing property provided the development proposed is considered to be of a scale and design that respects the character of the surrounding area.
4.2	It should be noted that the application seeks an extension to the residential curtilage and this is where the issue of non-conformity with the Plan arises.
4.3	There is a policy objection to the proposed extension of the residential curtilage as this is contrary to national policy. However in determining this planning application Development Management may wish to consider the history of the site, the extent of the proposed change of use and the impact of the proposed changes on the character of the area. In determining the acceptability of the re-profiling of the embankment consideration needs to be given to the quality of the materials used, the loss of trees, impact on

	biodiversity and the need to respect of the local character of the area.
4.4	<u>LDP Policies:</u> SP2 - Southern Strategy Area - Regeneration SP10 - Protection and Enhancement of the Natural Environment DM1 - New Development DM2 - Design and Placemaking DM14 - Biodiversity Protection and Enhancement DM15 - Protection and Enhancement of the Green Infrastructure DM16 - Trees, Woodland and Hedge Protection DM19 - Mineral Safeguarding Areas SB1 - Settlement Boundaries ENV2 - Special Landscape Areas - St Iltyds Plateau & Ebbw Eastern Sides
4.5	<u>PPW & TANs:</u> Planning Policy Wales (Edition 10) December 2018: Chapter 3
5. Planning Assessment	
5.1	The whole site falls outside the settlement boundary as defined by Policy SB1 of the Local Development Plan (LDP). The entire site also falls within a Special Landscape Area, defined by LDP Policy ENV2.4 (Mynydd Carn y Cefn and Cefn yr Arail).
5.2	Policy SB1 of the LDP aims to prevent inappropriate development in the countryside. Paragraph 8.3 of the supporting text states that planning applications for development in the countryside will be dealt with in accordance with national planning policy. For this purpose Planning Policy Wales Edition 10 applies (PPW10). Paragraph 3.56 of PPW10 states that "*Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the countryside away from existing settlement or areas allocated for development in development plans must continue to be strictly controlled. All new development should also be of a scale and design that respects the character of the surrounding area." (p.39, PPW10, December 2018).*
5.3	There are two elements to the proposed development that need to be considered in terms of their appropriateness outside of the settlement boundary, namely the re-profiling works to the embankment and the extension of the residential curtilage. Each of these is considered separately

	below.
5.4	In terms of the re-profiling works to the embankment, PPW identifies certain forms of development that may be appropriate in green belts and green wedges, which includes engineering operations (the re-profiling works are considered an engineering operation). Whilst the application site does not fall within a green belt or green wedge, these designations are by their very nature located within countryside locations, hence the same principles are considered relevant. The works to the embankment are not considered to significantly change the overall character and appearance of the landscape in this area. As already discussed, the site is largely screened from the wider landscape and appears as though it naturally forms part of the garden in an established residential area. Furthermore, the applicant intends to improve the overall visual appearance of the land through the provision of tree planting and wild meadow flowers. Having carefully considered the site specific circumstances of this case I am satisfied that the extent of re-profiling works implemented and proposed are acceptable and will not have a negative impact upon the surrounding area or wider landscape. I also consider that the provision of planting in this area will enhance both the visual appearance and biodiversity interests of the site in accordance with LDP Policy ENV2.
5.5	In respect of the proposed garden extensions, PPW does not provide support for such development in countryside locations. Such extensions in general are considered to have a detrimental impact on the character and appearance of the countryside, due to the urbanising effect of garden fences, garden buildings and other paraphernalia associated with the use of land as a domestic garden. However, in this case I am satisfied that there are mitigating factors that mean there are no such unacceptable impacts on the character and appearance of the countryside. i) The topography of the land and the application site's relationship with the surrounding residential properties result in a development that is contained and does not appear to encroach into open countryside. ii) The small extension of the garden to the front (west) of the house would sit comfortably adjacent to the properties along Bryn Terrace, which are only approximately 3m away (being separated from the site by a public footpath). iii) The proposed extension of the residential curtilage to the rear of the dwelling would not extend as far east as the settlement boundary

created by the terraced properties at Graig Road and the urbanising effect of the proposed garden extension would be visually contained within the site as a result of both the topography and existing screening. The photo below shows how the rear of the site is screened from Graig Road.

5.6

5.7 In my view, the self-contained nature of the site means that it cannot comfortably be described as open countryside, particularly when considered in the broader context with the terraced properties at New High Street and Graig Road which sit above the site to the north and south/south-east respectively and the properties along Bryn Terrace to the west.

5.8 Based upon these considerations I am satisfied that there is significant weight in this instance to justify allowing extensions of the exiting garden to the extent and in the locations proposed irrespective of the general presumption in planning policy against such proposals.

5.9 <u>Landscaping</u>

The site falls within an area designated in the LDP as a Special Landscape Area. Whilst LDP Policy ENV2 does not prevent development in these areas it does require development in such areas to 'conform to the highest standards of design, siting, layout and materials appropriate to the character of the area'. The Landscape Officer has reviewed the original proposal and has stated that whilst he does not object to the principle of the change of use to garden land, he is of the opinion that there is insufficient detail regarding the proposed landscaping in terms of a planting specification and management details.

5.10	Whilst I fully appreciate the comments made by the Landscape Officer, I note that the proposed landscaping to the existing garden does not require planning permission. It is not therefore within the remit of this application to require such details. The soft landscaping to the proposed garden extension comprises wild grass meadow and garden planting.
5.11	With regards to the re-profiling works to the embankment, revised plans indicate that 30 trees (comprising a mixture of Blackthorn, Dog Rose, Guelder Rose, Holly, Hawthorn and Hazel) will be planted in amongst wild grass meadow. The footpaths are proposed to be permeable gravel grids. Given that the land is currently overgrown and visually poor in places, I am satisfied that the proposed landscaping will enhance the visual appearance of the embankment and make a positive contribution to the landscape amenities of the wider area. Whilst a condition could be imposed requesting a tree planting specification, I am satisfied that sufficient information is contained within the plans. Furthermore as it is not common practice to require planting specifications or management plans for individual gardens/plots I consider it unreasonable and onerous to request such information in this instance. I am therefore content that the proposal has due regard to Policy ENV2 and DM2. However to ensure the landscaping works are carried out I recommend a condition requiring them to be implemented during the next available planting season and maintained for minimum of 5 years.
5.12	Drainage The objectors' comments all relate to concerns regarding the culvert and the flooding that occurred in February 2020. Whilst I fully appreciate such concerns, any works being undertaken to the culvert fall outside the parameters of this particular application. This application simply seeks to complete engineering works to the embankment, extend the curtilage and install a gate to the proposed parking area.
5.13	In the context of drainage the proposed parking areas to be located within the existing garden are to be finished in gravel (using permeable gravel grids), with the exception of a 1m strip adjacent to the driveway which will be asphalt in response to comments raised by the Highways Manager. Pathways within the embankment will also be permeable gravel grids.
5.14	In their standard consultation response Welsh Water have noted that if the hard surfaced areas to be created amount to over 100m2 approval of proposed sustainable drainage systems (SuDS) will be required from the SuDS Approving Body (SAB). This is a separate regime that falls outside the

	remit of planning.
5.15	The Drainage Engineer has also referred to the possible need for SAB approval but has advised that if the development does not require SAB approval then he would require further details of the flow of the watercourse (culvert). However, as mentioned above, any works required to the culvert as a consequence of recent flooding do not form part of this application. It would therefore be unreasonable to require the applicant to provide information in this respect for the purposes of this application. Nevertheless, if the works which are being considered in this instance involve providing new hard surfaces of an area exceeding 100m2 the development itself will require a separate consent from the SAB Authority. In my opinion any queries which the Council's Drainage Engineer may have with regard to the flow of the watercourse would be more appropriately addressed as part of that process. I therefore suggest that an informative note is appended to any permission granted to alert the applicant/owner of the potential need for a separate SAB approval.
5.16	In advising Members on drainage issues I am aware that the applicant is currently in the process of addressing all drainage issues relating to her land as a result of the recent flooding via her insurers. It will be for those advising her on such matters to clarify and advise what other consents might be required from various regulatory bodies for any remedial or mitigation works which they might propose. Until the extent of such works are known, confirmation cannot be given as to whether planning permission may be required for the works. It will be the applicant's responsibility to seek further guidance from the Local Planning Authority in relation to this issue in due course.
5.17	<u>Fences</u> The proposed fences to the side/rear of the property do not require planning permission. The only gates/fences under consideration are those to the parking area on the frontage of the property which exceed 1m adjacent to the highway. I am of the view that the proposed gates/fences are acceptable in terms of their position, height and design and are not considered to be visually obtrusive or out of keeping in this established residential area. Furthermore, a picket-style fence will maintain a degree of openness at the western edge of the site. As such, I am satisfied that the development has due regard to LDP Policy DM1(2)a and b.
5.18	<u>Neighbouring Amenity</u> I consider the impact of the proposed development upon the neighbouring amenity will be negligible. I note that one objection referred to parking at the

	lower (western) end of the site and how the access to it could impede parking for other residents in the locality. However, the proposed parking spaces fall within the existing curtilage and would not require planning permission. Even if permission was required, I note from my site visit that there are no formal parking arrangements in the locality and thus anyone can choose to park their car in and around the area, with most cars being parked either side of Bryn Terrace. Moreover, the Highways Manager has raised no objections to the development. The development complies with LDP Policy DM1(2)c and DM1(3)a.
5.19	<u>Conclusion</u> I acknowledge that the proposal to extend the garden is a departure from the LDP (and has been advertised as such) but as mentioned in para 5.5 above, I am content that given the residential context of this particular site, it will not visually extend or erode the countryside nor harm its character and appearance. I am therefore content that on balance there are exceptional circumstances relating to this site and its planning history which justify approving a development which in most situations would be deemed unacceptable.
5.20	In respect of the re-profiling works to the embankment, I am satisfied that the extent of re-profiling is not so significant that it has a negative impact upon the landform in this area. The proposed tree planting and soft landscaping will ensure the development has due regard to LDP Policy ENV2 by enhancing the overall visual appearance of the site.
5.21	The ancillary fences to the western boundary are low level and maintain a degree of openness by virtue of their design. I therefore recommend that the application is approved subject to conditions.
6. Legislative Obligations	
6.1	The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.
6.2	The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.

7. Conclusion and Recommendation	
7.1	Planning permission be **GRANTED** subject to the following condition(s): 1. The development shall be completed in full accordance with the following approved plans and documents: • Site Location Plan • Site plan Change of Use, dwg no. Arnant/001 stamped received 11.05.2020; • Proposed Site Plan (overall), dwg no. Arnant/002 stamped received 11.05.2020; • Site sections existing and proposed, dwg no. Arnant/003 stamped received 11.05.2020 • Revised Proposed Site Plan Sheet 1 of 2, dwg no. Arnant 004, received 13.07.2020; • Revised Proposed Site Plan Sheet 2 of 2, dwg no. Arnant 005, received 13.07.2020 unless otherwise specified or required by conditions 2 -6 listed below. Reason: To clearly define the scope of this permission. 2. Notwithstanding any details on the approved plans, the surface water drainage proposals are not approved. Reason: To clearly define the scope of this permission. 3. Any gates provided shall not encroach over the highway. Reason: To prevent obstruction of the public highway and to safeguard users of the highway. 4. No surface water as a result of the development shall be permitted to drain from the site onto the adjoining highway. Reason: To ensure no surface water drains onto the highway. 5. All planting, seeding or turfing as shown on drawings Arnant 004 and 005 shall be carried out in the first planting and seeding season following the date of this permission. Any trees, shrubs or plants which within a period of 5 years from implementation of the planting scheme die, are removed or become seriously damaged or diseased, shall be replaced by one of the same species and size in the next available planting season. Reason: To ensure timely implementation of an appropriate landscaping scheme and to safeguard the appearance of the Special Landscape Area.

	Informative Note: • It is the responsibility of the applicant/developer to establish if the proposed works require SuDS approval before work commence. Further guidance can be found at: https://www.blaenau-gwent.gov.uk/en/resident/planning/how-to-apply-for-planning-permission/permission-for-drainage/ If the works do not require SuDS approval then the applicant/developer will need to liaise with Council's Drainage Engineer to clearly establish what other regulatory consents may be required for any necessary drainage works, for example Ordinary Watercourse Consent for any works to the culvert or the disposal of water into the culvert On such basis any surface water drainage details submitted as part of your application have not been considered. Should it be necessary to amend your development to meet the requirements of the SAB (SuDS Approval Body) you should seek further advice from the Local Planning Authority.
8. Risk Implications	
8.1	None.

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