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Cyngor Bwrdeistref Sirol
Blaenau Gwent
County Borough Council

THIS IS A MEETING WHICH THE PUBLIC ARE ENTITLED TO ATTEND

28th August 2020

Dear Sir/Madam

PLANNING, REGULATORY & GENERAL LICENSING COMMITTEE

A meeting of the Planning, Regulatory & General Licensing Committee will be held in Virtually via Microsoft Teams on Thursday, 3rd September, 2020 at 2.00 pm.

Yours faithfully

Michelle Morris
Managing Director

AGENDA **Pages**

1. SIMULTANEOUS TRANSLATION

You are welcome to use Welsh at the meeting a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

2. APOLOGIES

To receive.

3. DECLARATIONS OF INTEREST AND DISPENSATIONS

To consider any declarations of interest and dispensations made.

4. QUARTERLY PERFORMANCE INFORMATION - QUARTER 4 JANUARY – MARCH 2020 5 - 10

To consider report of the Service Manager Development and Estates.

5. APPEALS, CONSULTATIONS AND DNS - UPDATE SEPTEMBER 2020 11 - 14

To consider report of the Service Manager Development and Estates.

6. LIST OF APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 14TH JULY 2020 AND 14TH AUGUST 2020 15 - 20

To consider the report of the Senior Business Support Officer.

7. PLANNING APPLICATIONS REPORT 21 - 60

To consider the report of the Team Manager Development Management.

8. AREAS FOR MEMBER BRIEFINGS/TRAINING

To consider.

To: Councillor D. Hancock (Chair)
Councillor W. Hodgins (Vice-Chair)
Councillor D. Bevan
Councillor G. L. Davies
Councillor M. Day
Councillor S. Healy
Councillor J. Hill
Councillor C. Meredith
Councillor K. Rowson

Councillor T. Smith
Councillor B. Thomas
Councillor G. Thomas
Councillor D. Wilkshire
Councillor B. Willis
Councillor L. Winnett

All other Members (for information)
Manager Director
Chief Officers

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BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	**Chair & Members of Planning Regulatory & General Licensing Committee**
Report Subject	**Quarterly Performance Information** **Quarter 4 January – March 2020**
Report Author	**Service Manager Development & Estates**
Directorate	**Regeneration and Community Services**
Date of Meeting	**3rd September 2020**
Key Words	**Performance Management** **Speed and quality of decision making** **Welsh Government Monitoring** **Quarter 4 January to March 2020**

1.0	**Background**
1.1	Every local planning authority (LPA) in Wales is required to collect performance information regarding the speed of decision making on all types of planning and related applications. This is submitted to Welsh Government on a quarterly basis.
1.2	This report considers the most recent data published by WG. The information relates to the second quarter of the current financial year i.e. **January to March 2020**.
1.3	It was published on the Welsh Government website on 21st May 2020 at https://gov.wales/development-management-quarterly-survey-july-september-2019

2.0	**Options for Consideration**
2.1	I have included 3 tables to illustrate current performance. 1. Fig 1 - ranks the 25 LPA's in order of speed of determining all applications "on time". This is defined as within the 8 week target period or longer time that may be agreed with the applicant. 2. Fig 2 – ranks the LPA's in Wales and in respect of the average time (in days) taken to determine all applications. 3. Fig 3. – shows decisions taken by Planning Committee that are contrary to the recommendation of its officers.
3.0	**Performance Information**
3.1	Fig 1: this Council decided **100%** of all applications in time. This compares to a Welsh average of 85%.
3.2	Fig 2: on average it takes **60 days** from registration to decision for the Council to decide each planning application. The Wales average is 83 days.
3.3	Fig 3: **29%** of Planning Committee decisions were contrary to officer recommendation. The Wales average is 15%.
4.0	**Conclusion**
4.1	These are the last meaningful statistics that will be available for some time as the study period covers the last quarter of 19/20 i.e. just before the planning service was severely disrupted by covid related issues.
4.2	Performance remains consistent. When measured against the indicator of all applications determined "on time", the returns for the last 5 quarters are 94%, 100%, 99%, 100% and 100%.
4.3	There is a similar picture when looking at the indicator that measures the average time (in days) it takes to decide applications. Our return fluctuates but again, we are consistently above the Wales average and the trend is positive.
4.4	The number of decisions where Planning Committee overturns the officer recommendation is again high and unfortunately well above the Wales average.
5.0	**Recommendation**
5.1	That the report be noted.

Fig. 1

Welsh Government Quarterly DM Survey

Percentage of Planning Applications Determined "On Time"

(Ranked in Order of Performance)

	Welsh Local Planning Authority	Percentage of Applications Determined On Time *(number of decisions)*	
		Quarter 4 19-20	
1	**Blaenau Gwent**	**100%**	*(73)*
	Brecon Beacons NPA	100%	*(115)*
	Merthyr Tydfil	100%	*(61)*
4	Swansea	99%	*(402)*
5	Neath Port Talbot	97%	*(178)*
6	Caerphilly	95%	*(201)*
7	Vale of Glamorgan	93%	*(299)*
	Anglesey	93%	*(160)*
9	Powys	92%	*(340)*
10	Monmouthshire	91%	*(219)*
11	Conwy	89%	*(213)*
12	Denbighshire	88%	*(147)*
13	Pembrokeshire	84%	*(193)*
	Cardiff	84%	*(553)*
15	Wrexham	82%	*(243)*
16	Flintshire	81%	*(213)*
17	Torfaen	80%	*(105)*
18	Ceredigion	79%	*(307)*
19	Newport	77%	*(209)*
20	Pembrokeshire Coast NPA	76%	*(127)*
21	Bridgend	75%	*(205)*
22	Carmarthenshire	68%	*(340)*
23	Snowdonia NPA	60%	*(77)*
24	Gwynedd	58%	*(209)*
25	Rhondda Cynon Taff	-----	-----
WALES AVERAGE		**85%**	

Fig. 2

Welsh Government Quarterly DM Survey

Average Time to Decide Applications in Days

(Ranked in Order of Performance)

	Welsh Local Planning Authority	Average Time to Decide Planning Applications (In Days) Quarter 4 19-20
1	Merthyr Tydfil	40
2	Swansea	53
3	Neath Port Talbot	55
4	**Blaenau Gwent**	**60**
5	Brecon Beacons NPA	66
	Conwy	66
7	Vale of Glamorgan	67
	Pembrokeshire	67
9	Bridgend	69
	Anglesey	69
11	Torfaen	72
12	Gwynedd	73
13	Caerphilly	74
14	Monmouthshire	76
15	Cardiff	77
16	Pembrokeshire Coast NPA	84
	Denbighshire	84
18	Newport	88
19	Snowdonia NPA	90
20	Flintshire	95
21	Carmarthenshire	107
22	Ceredigion	115
23	Powys	133
23	Wrexham	203
25	Rhondda Cynon Taff	-----
	WALES AVERAGE	**83 Days**

Fig 3.

Welsh Government Quarterly DM Survey

Decisions Contrary to Officer Recommendation

(Ranked in Order of Performance)

	Welsh Local Planning Authority	% of Planning Committee Decisions Contrary to Officer Recommendation *(Overturns/Committee Decisions)*	
1	Anglesey	0%	*(0/19)*
	Brecon Beacons NPA	0%	*(0/1)*
	Bridgend	0%	*(0/3)*
	Conwy	0%	*(0/8)*
	Gwynedd	0%	*(0/10)*
	Merthyr	0%	*(0/2)*
	Neath Port Talbot	0%	*(0/3)*
	Pembrokeshire	0%	*(0/9)*
	Pembrokeshire Coast NPA	0%	*(0/6)*
	Powys	0%	*(0/15)*
	Torfaen	0%	*(0/5)*
	Vale of Glamorgan	0%	*(0/1)*
13	Carmarthenshire	3%	*(1/31)*
14	Cardiff	7%	*(1/14)*
15	Monmouthshire	8%	*(1/12)*
16	Snowdonia NPA	9%	*(1/11)*
17	Caerphilly	11%	*(1/9)*
18	Swansea	14%	*(1/7)*
	Wrexham	14%	*(6/42)*
20	Newport	15%	*(2/13)*
21	Flintshire	22%	*(2/9)*
22	Denbighshire	25%	*(4/16)*
23	**Blaenau Gwent**	**29%**	***(2/7)***
24	Ceredigion	72%	*(20/28)*
25	Rhondda Cynon Taff	---	---
	Wales Average	**15%**	***(42/281)***

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Report Date: 24th August 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 September 2020**
Report Author	**Service Manager Development & Estates**
Report Date	**24th August 2020**
Directorate	**Regeneration & Community Services**
Date of meeting	**3rd September 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. Awaiting decision.
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. Awaiting decision.
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. Awaiting decision.
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. Awaiting decision.
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	Statement of LPA submitted. Awaiting details of site visit.

7	C/2019/0308 APP/X6910/A/20/3256090 Les Taylor	30 Marine Street Cwm, Ebbw Vale, NP23 7ST	Conversion of existing 3 bed 2 storey terraced house into a 5 bedroom house of multiple occupancy (HMO) and to demolish existing garage to provide a parking space.	Planning appeal in respect of refusal Written	Statement of LPA submitted. Awaiting details of site visit.
8	C/2019/0279 APP/X6910/A/20/3232617 Jane Engel	Mill Farm Pochin, Tredegar	Construction of new house.	Planning appeal in respect of refusal Written	Statement of LPA submitted. Awaiting details of site visit.
9	C/2019/0280 APP/X6910/A/20/3257588 Justin Waite	Wauntysswg Farm, Abertysswg, Rhymney, Tredegar, NP22 5BQ	Variation of condition 3 of planning permission DNS/3213639 (30MW solar park, access road and ancillary development) to extend the life of the permission from 30 to 40 years.	Planning appeal in respect of refusal Written	LPA notified of the submission of an appeal. Awaiting confirmation of start date.

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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 between 14th July 2020 and 14th August 2020**
Report Author	**Senior Business Support Officer**
Report Date	**14th August 2020**
Directorate	**Regeneration & Community Services**
Date of meeting	**3rd September 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 14th July 2020 to 14th August 2020
3.	**Recommendation/s for Consideration**
3.1	The report lists decisions that have already been made and is for Member's information only.

Application No	Address	Proposal	Valid Date Decision Date
C/2020/0153	Site of former Glanffrwd Court, Beaufort, Ebbw Vale	Application for Discharge of Condition 2 (Affordable Housing Statement) Condition 15 (Landscape plan) and Condition 16 (Planting schedule) of planning permission C/2019/0346 (Affordable housing development of 23 dwellings including new access road, landscaping	29/06/20 05/08/20 Condition Discharged
C/2020/0115	17 Arthur Street, Georgetown, Tredegar	Two storey extension to the rear	21/05/20 17/07/20 Approved
C/2020/0126	13 Railway Terrace, Aberbeeg, Abertillery	Application for Lawful Development Certificate for a single storey kitchen extension to the rear.	04/06/20 17/07/20 Lawful Development Certificate Granted
C/2019/0336	Rhyd y Blew Inn, Rassau Road, Rassau, Ebbw Vale	Application for reserved matters relating to scale, appearance and landscaping of planning permission C/2018/0065 (Residential Development of 6 units)	06/12/19 21/07/20 Approved
C/2019/0337	Rhyd y Blew Inn, Rassau Road, Rassau, Ebbw Vale	Discharge of Conditions: 3 Building Survey; 4 Demolition Method Statement; 6 Ground Stability Site Investigation; 7 Access Drive; 8 Sections and Details; 9 Drainage and 14 Bin Store Locations of planning permission C/2018/0065 (Residential Development of 6 units).	06/12/19 16/07/20 Condition Discharged

C/2020/0079	Unit B Cwm Draw Ind Est, High Road, Ebbw Vale	Change of use of land for additional car parking and erection of new front fence.	16/03/20 10/08/20 Approved
C/2020/0144	45 Beaufort Street, Brynmawr	Application for a Lawful Development Certificate for proposed change of use of second and third floors to create one residential flat and minor alterations to create a lobbied entrance	19/06/20 28/07/20 Lawful Development Certificate Granted
C/2020/0068	Plot 2 Gwastod Farm, Church Lane, Cwmtillery	Application for reserved matters relating to access, appearance, landscaping, layout and scale for residential development (outline C/2017/0279)	05/03/20 15/07/20 Approved
C/2020/0155	38 Beaufort Terrace, Beaufort, Ebbw Vale	Single storey rear family room/kitchen extension.	10/07/20 28/07/20 Lawful Development Certificate Granted
C/2020/0146	12 Larch Lane, Bedwellty Gardens, Tredegar	Application for Lawful Development for proposed single storey rear extension	25/06/20 22/07/20 Lawful Development Certificate Granted

C/2020/0116	2-3 Gladstone Building, Woodland Terrace, Cwmtillery, Abertillery	Proposed construction of a walkway to connect existing dwelling with garden and insertion of door at first floor on rear elevation.	26/05/20 28/07/20 Approved
C/2020/0134	11 Winterson Close, Rassau, Ebbw Vale	Single storey extension	11/06/20 28/07/20 Approved
C/2020/0114	Land at Beaufort Wells, Rassau, Ebbw Vale	Erect agricultural portal frame building for use as barn & tractor storage	18/05/20 07/08/20 Approved
C/2020/0130	44 Carlyle Street, Abertillery	Proposed domestic garage and gate at rear of dwelling.	09/06/20 05/08/20 Approved
C/2020/0143	46 Bennett Street, Blaina	First floor extension at rear of property	19/06/20 07/08/20 Approved
C/2020/0145	17 Rowan Way, Rassau, Ebbw Vale	Single-storey garage	22/06/20 03/08/20 Approved
C/2020/0123	68 Rectory Road, Sofrydd, Abertillery	Erection of conservatory on existing rear balcony area and external platform lift	03/06/20 16/07/20 Approved
C/2020/0127	29 Aneurin Avenue, Swffryd, Abertillery	Two storey rear extension	04/06/20 27/07/20 Approved

C/2020/0131	Former Brynhyfryd Junior and Infant School, Upper Court Terrace, Llanhilleth, Abertillery	Renewal of planning permission C/2015/0155 for two detached residential houses.	09/06/20 03/08/20 Approved
C/2020/0142	48 Waen Fawr Waun, Ebbw Road, Nantyglo, Brynmawr	Replace conservatory with hipped roof extension at side of property	19/06/20 30/07/20 Approved
C/2020/0138	Land Within Curtilage Of 55 Heol Garreg, Abertillery	Application for variation of condition 8 of planning permission C/2016/0236 – to extend time (C/2016/0236 - Outline planning permission for 2 storey dwelling and consideration of access, layout and scale)	18/06/20 04/08/20 Approved
C/2020/0132	Land Adjacent to Unit 18 Rassau Industrial Estate, Ebbw Vale	Application for Discharge of Condition 6 (Construction Environmental Management Plan) of planning permission C/2020/0059 (Erection of a Synchronous Condenser, plant control building and auxiliary equipment, access, landscaping and associated works)	09/06/20 24/07/20 Condition Discharged
C/2020/0064	Car Show Room, Crown Business Park, Dukestown, Tredegar	Proposed security fencing	27/02/20 24/07/20 Approved
C/2020/0136	Star Fields, Off Mountain Road, Ebbw Vale	Application for discharge of condition 8 (Waste Management Plan) of planning permission C/2019/0090 - Change of use of stable (building 4), outbuilding and containers for storage purposes; and the change of use of stable (building 1) to dog breeding	16/06/20 29/07/20 Condition Discharged

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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	**24th August 2020**
Directorate	**Regeneration & Community Services**
Date of meeting	**3rd September 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/2020/0109	14 Eureka Place, Ebbw Vale, NP23 6LG
C/2020/0043	Land East of Hill Crest View, Cwmtillery, Abertillery
3. Recommendation/s for Consideration	
Please refer to individual reports	

Report Date:
Report Author:

Planning Report

Application No: C/2020/0109	**App Type:** FULL
Applicant:	**Agent:**
Mr Norman Grant Blue Hart Properties 59 Mayford Road Chatham ME58QZ	As applicant
Site Address:	
14 Eureka Place Ebbw Vale NP23 6LG	
Development:	
Change of use from 3 bedroom dwelling to 6 bedroom HMO and proposed parking bays to rear garden	
Case Officer:	Lesley Taylor

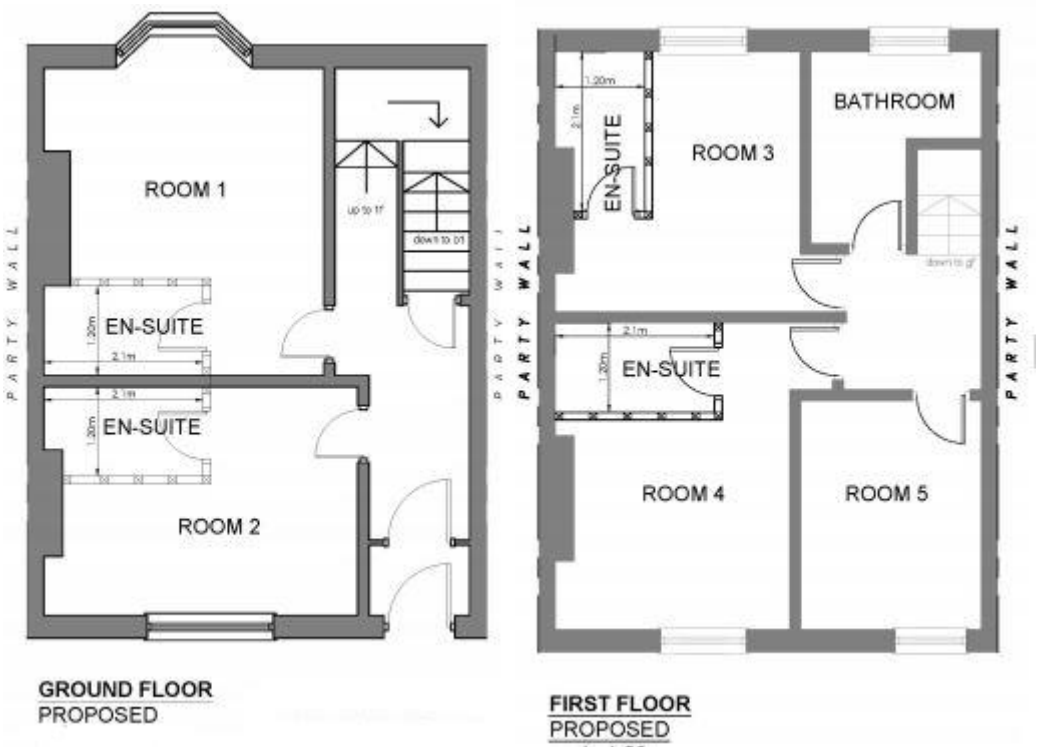
1. Background, Development and Site Context	
1.1	The application site is an end of terrace dwelling located at Eureka Place. It lies within a residential area and is within a short walking distance of the town centre and public transport links. The dwelling has three storeys and currently provides three bedrooms, two reception rooms on the ground floor and two in the basement. At the front of the property there is a narrow

forecourt, within which there is separate stairway access down to the basement. The garden at the rear is enclosed by a high sparred boundary wall, part of which forms the elevation of a small outbuilding. There is a footpath/staircase that separates the property from no 12 Eureka Place whereby pedestrian access can be gained to the rear lane, where it links to a similar path that provides access directly to the town centre.

1.2

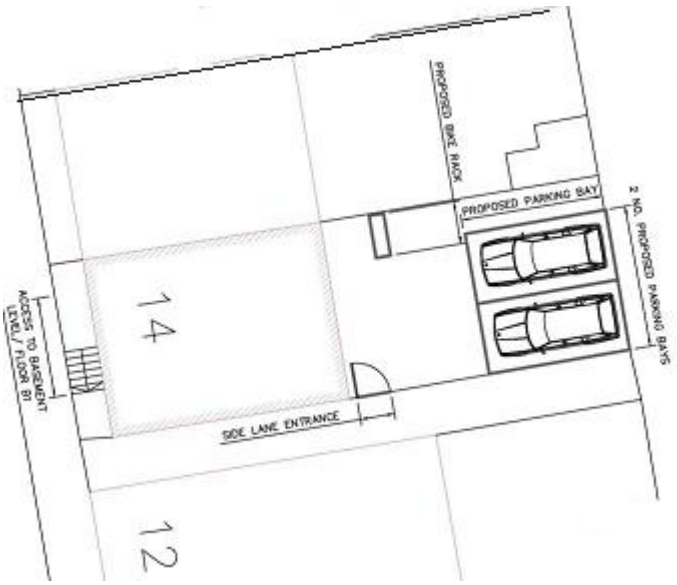
1.3

This application seeks permission to change the use of a dwelling falling into use class C3 to a 6 bedroom house in multiple occupation (HMO) falling into Class C4. The plans show how two en-suite bedrooms will be provided on the ground floor; three bedrooms on the first floor (two with en-suite facilities) together with a separate bathroom.



One bedroom and a kitchen diner will be provided in the basement which could be accessed directly from the front basement entrance or from the rear garden entrance.

1.4 There are no changes proposed to the external appearance of the dwelling. The application is being considered on the basis of proposed floor layout plans and a revised block plan received on 30th June 2020 to address parking requirements (2 no spaces).



2. Site History			
	Ref No	Details	Decision
	No 14 Eureka Place, Ebbw Vale		
2.1	C/2020/0066	Application for lawful development certificate (proposed use) for the conversion of a single dwelling to a 6 bedroom, 6 person HMO	Refused 03/03/2020
	Planning History – No 12 Eureka Place (Adjacent Property)		
2.2	C/2018/0204	Change of use from a single dwelling to a HMO with 5 bedrooms and 5 tenants. Works to rear garden to provide an additional off-street parking space	Refused 07/09/2018
2.3	C/2019/0149	Change of use from single dwelling to a HMO with 4 bedrooms. Works to the rear garden to provide an additional two off-street parking spaces (resubmission)	Approved 10/09/19

3. Consultation and other Relevant Information

Internal BG Responses

3.1 Team Leader Building Control:
Building Regulations consent required.

3.2 Service Manager – Built Infrastructure:
Highways:
The submitted revised parking plan is acceptable to the highway authority. No objections provided the proposed the car parking spaces are fully constructed prior to occupation of the proposed HMO, and the parking area is retained there-after. Also a minimum of two cycle stands are to be provided and retained thereafter.

3.3 Service Manager Public Protection:
The proposal meets the HMO mandatory licensing requirements and for which an application must be made. Fire safety standards must be complied with and a visit by the Environmental Health Officer should be convened to discuss the requirements in detail. Where there is no provision of a living room, the minimum bedroom size must be $10m^2$ (not including the area occupied by an en-suite). There is no provision of a living room on the current plans. However, given the large size of the proposed kitchen-diner, a living area could also be incorporated meaning the minimum bedroom size is $6.5m^2$.

3.4	**External Consultation Responses** Welsh Water: No objections. Issued standard advice relating the disposal of surface water and connections to the public sewerage system.
3.5	**Public Consultation:** *~~Strikethrough~~ to delete as appropriate* • 10 letters to nearby houses • 1 site notice • ~~press notice~~ • website public register of applications • ward Members by letter • all Members via weekly list of applications received • ~~other~~
3.6	Response: As a result of public consultation, I received correspondence from 2 members of the public (1 e-mail and 1 letter). The concerns raised are outlined below: • changes to the property will affect the area and impact on house prices as new buyers may not want to live opposite a property of this kind; • Existing residents who have looked after the property, believe the layout of the property is not suitable to accommodate the changes proposed; • Current parking levels are a problem in the street and there is concern that additional vehicles generated by the development (potentially 6 cars) will have further impact; • An increase in noise levels potentially created by tenants and others going back and forth to the property and the playing of loud music day and night may adversely affect nearby residents who have to work and those who have health issues
3.7	I received a second letter from the member of the public who had already outlined their concerns over the development. This time their letter was accompanied by a petition containing 50 names (including their own), opposing the development on the basis that residents would like to see the property retained as a family home.
3.8	I also received two e-mails from a Ward Member, the first of which sought assurance that the application would be given due consideration and the second was to advise me of a discrepancy on the site notice.

4. Planning Policy	
4.1	**<u>Team Manager Development Plans:</u>** The Blaenau Gwent Local Development Plan (LDP) indicates that the proposed site lies within the settlement boundary (Policy SB1) within which development is generally permitted subject to policies in the Plan and other material considerations. The site is not the subject of any designations or constraints according to the LDP Proposals Map and Constraints Map.
4.2	<u>Planning Policy Considerations</u> The site is located in a residential area hence this proposal to change the use of the property from a dwelling with 3 bedrooms (Class C3) to a House in Multiple Occupation (HMO) with 6 bedrooms falling into use class C4 raises no issues in terms of land compatibility (DM1 2a). The Access, Car Parking and Design SPG requires there to be 1 space per bedroom up to a <u>maximum</u> of 3 in this type of development.
4.3	<u>Sustainable Design</u> Policy DM1 seeks to ensure that all developments are of good design and are acceptable in terms of amenity, sustainable design and accessibility. Policy DM2 also sets out criteria that all development must enhance and respect their surroundings and contribute to the local identity. The design and layout of the rooms will need to take into consideration neighbouring properties and how it could impact on their amenity (DM1 section 2). Increasing the number of bedrooms in the dwelling could therefore create issues for neighbouring premises with regards to parking.
4.4	TAN 12 states that the layout of the development must integrate with its surroundings, with there being no major internal work being undertaken at the dwelling this shouldn't be an issue.
4.5	The Team Manager Development Plans has raised no objection in principle to the development subject to the proviso that it meets the parking provisions set out in the Access, Car parking and Design SPG.
4.6	<u>LDP Policies:</u> SB1 Settlement Boundaries SP4 Delivering Quality Housing SP6 Ensuring Accessibility DM1 New Development DM2 Design and Place Making

4.7	<u>PPW & TANs:</u> Access, Car Parking and Design SPG (March 2014) Technical Advice Note:12 (TAN 12) Design (March 2016)
5. Planning Assessment	
5.1	The Blaenau Gwent adopted LDP indicates that the site lies within the settlement boundary in which development is normally permitted subject to policies in the plan and other material planning considerations. Eureka Place is residential in character, and as such the use of the property as a HMO, (a residential use) raises no concerns in terms of land use compatibility. I am mindful that a large number of HMO's in a given area can change its character e.g. areas providing student accommodation. However Eureka Place is not such an area. It must be acknowledged however that the adjacent property, no. 12 Eureka Place, does have the benefit of planning permission to be used as a 4 bedroom HMO (C/2019/0149). The location of no. 12 is shown in the para 1.1 above.
5.2	In terms of relevant background information, planning permission was initially sought for a 5 bedroom HMO with 2 off-street parking spaces next door at no. 12 Eureka Place (C/2018/0204 refers). That application was presented to the Planning Committee, whereby Members resolved, (contrary to the planning officer's recommendation), to refuse planning permission on parking grounds. The applicant had intended to appeal this decision, but failed to submit valid appeal to the Planning Inspectorate within the prescribed timescale. The owner therefore opted to submit a revised application to use the property for a lesser no of units (4 bedroom HMO) and permission was granted by the Planning Committee for that development on 10th September 2019.
5.3	Notwithstanding the information outlined above, the dwellings in Eureka Place, are typically occupied as one household, and this application for one additional HMO, would not, in my view unduly impact on the character of the area and how it functions. The Planning Policy Manager is satisfied that the proposed development is a compatible land use and I agree with her findings.
5.4	<u>Residential Amenity</u> As advised in para 1.4, this application does not propose to make any changes to the external appearance of the building. The floor plans clearly indicate how the property will be laid out internally to provide the six bedrooms together with bathroom facilities and a communal kitchen/dining area. All windows are existing, and I have no concerns in relation to

	overlooking resulting from the proposed internal arrangements. Furthermore the window arrangements and the rooms they serve, will have no greater or lesser impact on the amenity of occupants of the HMO than if it were to be occupied as a single dwelling.
5.5	Third Party Concerns Members will note the concerns raised by residents. I must advise however that with the exception of parking and highway related matters which will be addressed later in the report, the concerns outlined above, cannot form the basis for refusing planning permission. The planning system has no jurisdiction over property prices or the behaviour of individuals. There are other means for dealing with nuisance, noise issues or public disturbance should the need arise in the future.
5.6	In response to the e-mails received from the Ward Member he has clarified that his concerns related primarily to parking issues both at the development site and in the area and how this development may affect residents. He has been advised that such matters would be given due consideration and that parking requirements would be assessed on the basis of the guidance contained in the adopted SPG. To confirm the Member did not request a 'call-in'. The decision to bring this application before the Planning Committee was taken by officers given the planning history of neighbouring properties. I can also confirm that a new site notice was displayed to rectify a date error identified on the initial site notice which had been highlighted by the ward Member.
5.7	In terms of amenity, it must not be assumed that 6 individuals residing at the property will have any greater impact than a single large household residing as one family unit in a property of this size. The proposal involves a compatible land use in this residential area, and I am satisfied on such basis that the development complies with Policy DM1 2 a, b and d of the adopted LDP.
5.8	Internal Arrangements A response from Environmental Health outlined the size of each bedroom required in proportion to the amount of living space to satisfy their requirements for the provision of the HMO. They also confirmed that the proposal would require a license. I have considered the standards outlined, and note that whilst the rooms vary in size between 7.2sqm and 12.3sqm (excluding en-suite facilities) they would meet the criteria outlined by Environmental Health, providing the kitchen/diner also includes living space. The officer's response also confirms that they anticipate that the room identified as a kitchen-diner could accommodate such a living space.

5.9	On the basis of such advice I am minded to conclude that the plans demonstrate how 6 bedrooms together with a shared kitchen/dining area and other amenities can be accommodated within the property. The housing standards necessary to meet the licensing requirements of a HMO will be controlled by Environmental Health and the applicant will be advised by means of an informative to contact Environmental Health Officers for appropriate advice should planning permission be granted.
5.10	<u>Parking and Highway Requirements</u> The revised block plan received on 30th June 2020 (see 1.4), shows the provision of two parking spaces at the rear of the property, together with cycle parking. To accord with the Council's adopted 'Access, Car Parking and Design' SPG, a development of this nature is required to provide one parking space per bedroom up to a maximum of three spaces. However the sustainability criteria outlined in Appendix 5 of the SPG, allows for a reduction in the number of parking spaces required based on the credentials of the development i.e. its proximity to and frequency of local transport, walking distance to local shops, schools and other community facilities. When such criteria were applied to the development site, the Council's Team Manager – Built Infrastructure confirmed that based on adopted guidance the provision of two parking would be sufficient to meet the needs of the development.
5.11	The Council's Team Manager – Built Infrastructure has considered a revised site layout plan submitted by the applicant and has confirmed that the revised parking details, which would accommodate two cars (as opposed to the one space shown initially) are acceptable. He has accordingly confirmed that he has no highway objections to the development provided the car parking spaces are fully constructed prior to occupation of the property as a HMO, and that they are retained for such purposes there-after. He has also confirmed that a minimum of two cycle stands must be provided and retained to serve the development. As the plan shows only one stand, a condition will be included that requires the provision of two cycle stands. In its revised form and subject to relevant conditions, I consider the proposed development complies with Policy DM1 3 d, of the adopted LDP.
5.12	<u>Strategic Housing Requirements</u> Policy SP4 of the adopted LDP outlines the criteria for the delivery dwellings of all types throughout the County Borough to meet housing requirements during the life of the plan. Criterion 1d supports the need to bring empty properties back into use that would otherwise have a negative impact on settlements; and criterion 2 seeks to ensure that housing needs are met by creating sustainable communities with a mix of dwelling types. This large

	vacant property with good links to the town centre and public transport would, with the benefit of planning permission, help to meet housing delivery targets.
6. Legislative Obligations	
6.1	The Council is required to decide planning applications in accordance 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 change of use of the development site from a single occupancy dwelling to a 6 bed HMO is considered acceptable as a conforming use in a residential area which can be accommodated without unduly impacting on neighbouring properties or the residential character of the area. The development meets the parking requirements outlined in the Council's adopted Access, Car Parking and Design SPG and is unlikely to impact significantly on the highway network. Given the proximity of the site to local transport links, the town centre and other community facilities this potentially reduces the need for private transport. The proposed development complies with relevant criteria outlined in strategic and development management policies, SB1, SP4, DM1 and DM2 of this Council's adopted LDP. I accordingly recommend that planning permission be **GRANTED** subject to the following condition(s): 1. The development shall be completed in full accordance with the following approved plans ▪ Site location plan (scale 1:1000) received 6th May 2020; ▪ Drawing no 20001/B1 – Proposed basement plans received 14th April 2020; ▪ Drawing no. 20001/GF – Proposed ground floor plans received 14th April 2020;

	▪ Drawing no. 20001/1F – Proposed first floor plan received 7th May 2020; ▪ Drawing no. 20001/LP1 – Proposed block plan (as revised) received on 30th June 2020. Reason: To clearly define the scope of this permission. 2. The development hereby approved shall not be brought into use, until details of surfacing and drainage of the proposed parking area as shown on drawing no. 20001/LP1 (as revised and received 30th June 2020) have been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented in full prior to beneficial occupation of any of the units herby approved and shall b109e retained in perpetuity. Reason: To ensure the parking needs of the development are adequately met and in the interests of highway safety. 3. Notwithstanding the details shown on Drawing no. 20001/LP1, a minimum of two cycle stands must be provided prior to the development hereby approved being brought into use, and must be retained in perpetuity. Reason: To ensure the parking needs of the development are adequately met and in the interests of highway safety. 4. Standard time limit (full planning permission) <u>Informative Advice</u> 1. The developer is advised to contact the Council's Environmental Health Team on 01495 355509 for advice on regulatory issues relating to a House in Multiple Occupation (HMO). 2. In satisfying Condition 2 of this permission, the developer is advised to include details of any gates, walls or other means of enclosure that are proposed to the boundary of the property. It is also advised that any gates that may be proposed shall not open out over the public highway.
8. Risk Implications	
8.1	**None**

Report Date:
Report Author:

Planning Report

Application No: C/2020/0043	**App Type:** Full
Applicant:	**Agent:**
D3 Developments Hillcrest Ltd c/o Peter Barnes & Associates	Peter Barnes & Associates Rhys House James Street Ebbw Vale NP23 6JG
Site Address:	
Land East of Hill Crest View, Cwmtillery, Abertillery	
Development:	
Residential development and associated works	
Case Officer:	Joanne White

1. Background, Development and Site Context	
1.1	The application site is a linear parcel of land, measuring approximately 0.9 hectares and is located on the eastern side of Hillcrest View, Cwmtillery. The site was previously used for housing 34 semi-detached Council owned properties which were demolished between 2001-2003 due to water ingress and dampness.
1.2	The topography is such that the land rises quite steeply from the adjacent highway in an easterly direction.
1.3	Open land is located to the east of the site, with Ty Pwdr farm to the north-east boundary. To the south is a wooded area with a terrace of 3 bungalows located to the south-west corner. Semi-detached residential properties are located to the western side of Hillcrest View, at a lower level to the road, together with shared parking courts. To the north is a 3 storey block of flats.
1.4	The site lies within the settlement boundary and is allocated for residential development under Local Development Plan (LDP) Policy H1.16. The south eastern corner of the site is also designated as a Site of Importance for Nature Conservation (SINC) under Policy ENV3. However, it is noted that this area also falls within area identified as a housing allocation under Policy H1.16. The Special Landscape Area (SLA) of Cwm Tyleri and Cwm Celyn lies adjacent to the eastern and southern boundaries of the site (Policy ENV2).
1.5	In terms of constraints, two designated Rights of Way (Footpaths - 331/89/3 and 331/90/01) run through the site and a designated Bridleway runs adjacent to part of the eastern boundary. A culverted stream also runs though the northern section of the site, which is to remain.
1.6	This is a major planning application which seeks full planning permission for the construction of 28 houses accessed directly off the existing highway at Hillcrest View.
1.7	The proposed dwellings are 2.5 storey in height, with the uppermost level being located within the roof space and are a mixture of 3-bed semi-detached and terrace dwellings, with the exception of plot 28, which is 4-bed. Due to the topography of the site, the frontages will be raised above road level, with steps providing access up to the properties. All properties are set back from the road, have private amenity areas and parking provision for 2 cars per dwelling. Whilst the parking for most dwellings will be within the respective plots the parking for plots 1- 4 will be via a shared parking area whilst an existing hardstanding area towards the southern end of the site will

be utilised as a parking area for plots 21-26. A new driveway and turning head will be created off this existing parking area to provide access and off-street parking for plots 27-28.

1.8

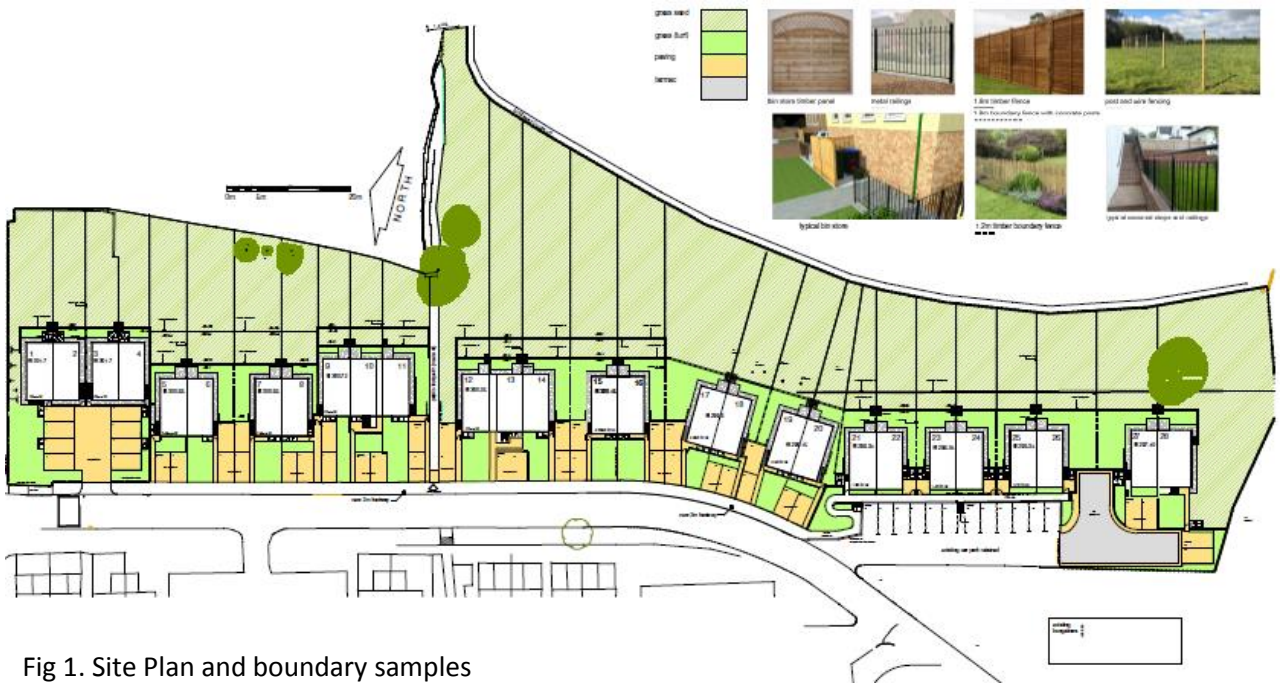


Fig 1. Site Plan and boundary samples

1.9 Proposed materials include a mix of brick, coloured render and cladding whilst boundary treatments include 1.2m high metal railings between property frontages and around the shared car parking area, a combination of post and wire fencing, 1.2m high hit-and-miss timber fencing and a 1.8m timber privacy screen between the rear gardens, post and wire fencing along the rear (eastern) boundary and a 1.8m high closed boarded timber fence to the northern and southern site boundaries. Decorative timber panel screens will be used for bin storage (located adjacent to the front access steps).

Fig 2. 3D impressions of terrace

Fig 3. (below) 3D Impression of street view

1.10 In addition to the detailed plans showing the layout and house types the applicant has submitted supplementary information which includes a Design and Access Statement (DAS), Pre-application Consultation Report (PAC), Refuse Tracking Plan, Parking Sustainability Criteria, Ecological Assessment, Landscaping Scheme, Tree Survey & Arboricultural Impact Assessment, Drainage Strategy and Site Investigation.

1.11 The applicant requested pre-application advice for residential development (30 houses) prior to the submission of this application. The advice provided was positive subject to a reduction in the number of units, changes to site layout, minor design changes and the submission of required specialist reports.

2. Site History

	Ref No	Details	Decision
2.1	C/2000/0024	Prior Approval for Demolition and site clearance of no's 13, 14, 17, 18, 21 & 22 Hillcrest View	Approved 25.02.2000
2.2	C/2003/0015	Prior Approval for Demolition and site clearance of no's 9, 10, 11, 12, 15, 16, 19, 20, 23-34 (inclusive) and 39-42 (inclusive)	Approved 17.02.2003
2.3	C/2008/0383	Development for 22 affordable dwellings	Finally disposed of 23.06.2010
2.4	PA/2018/0056	Pre-application advice for 30 dwellings	Advice provided 23.04.2018

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:
3.4	Highways: No objections to revised plans, subject to the following:
3.5	1. The car parking provisions comply with the Council's 'Access, Car parking and Design' SPG, when taking into consideration the sustainability credentials of the development. The parking areas allocated for each dwelling are to be fully constructed prior to occupation of each dwelling and retained there-after.
3.6	2. The proposed new 2.0 metre wide footway is to be fully constructed prior to occupation of Plots 1 – 20. The proposed new 1.2 metre wide footway is to be fully constructed prior to occupation of Plots 21-26. Construction details are to be submitted for approval prior to works commencing.
3.7	3. The new turning head is to be fully constructed prior to occupation of Plots 21-28. Construction details are to be submitted for approval prior to works commencing.
3.8	4. A root protection barrier is to be provided for all trees adjacent to the public highway (identified as tree types Qp & Ac on landscaping plan).
3.9	Drainage: The application is required to go through the full SAB process for all surface water drainage.
3.10	The developer is aware that there is a culvert that runs beneath the site. In the past the culvert continued further up the hillside to a headwall where it collected the flow from a steam off the mountain. However, the pipe between the headwall and the inspection chamber on the proposed development became damaged for a distance of around 100m causing the water to overflow and travel overland until it eventually spills onto the highway below.
3.11	The developer is aware of this issue and he has opened up an inspection chamber just inside his land and directed the flow into it, however it sometimes gets blocked with debris washed down from the mountain. The developer is aware that if a development is to go ahead on this site it will be necessary to resolve this issue to the satisfaction of Blaenau Gwent Council Drainage Section before being allowed to proceed.
3.12	Ground Stability: No objection.
3.13	The Geotechnical report (Terrafirma, 2018:14554/A) states there is no risk to

	the development in relation to mining and Section 7.6 states that infiltration drainage is not recommended for the site due to the risk of reactivating a dormant landslide to the east of the site.
3.14	The developer should ensure that the foundations of the houses are designed in accordance with the GI report submitted with the application (Terrafirma, 2018:14554). All foundations must be designed by a suitably qualified and experienced engineer.
3.15	Landscape: No objection.
3.16	The landscape information provided demonstrates a clear approach to the use of green infrastructure to comply with policy DM2 Design and Placemaking, helping to compensate for any of the tree loss as a consequence of the development.
3.17	Trees: No objection.
3.18	Tree information provided provides an accurate reflection of the value of trees on site with all of the higher value trees being retained within the proposed development.
3.19	There are some areas where lower value trees will be lost as a consequence of the development but the landscape details adequately mitigate for this loss.
3.20	Ecology:
3.21	The Ecological Impact Assessment dated July 2018 by Wildwood Ecology (Ref: WWE18131 ECIA REV A) is sufficient.
3.22	Main issues: • The boundary with the Greenmeadow Farm SINC ENV3.132 requires consideration and mitigation • The medium breeding populations of both common lizard and slow worm needs to be sufficiently mitigated and compensated for. • Japanese Knotweed is present on site and needs to be treated
3.23	The officer welcomes the retention of the mixed woodland areas and the inclusion of the native hedgerow to the eastern boundary. The officer requested conditions for a full reptile mitigation strategy, a Construction Environmental Management Plan (CEMP) to include checking the site for Japanese Knotweed and means of eradication. The officer has also requested biodiversity net gain via bat boxes and hedgehog passes.

3.24 3.25	Rights of Way: Holding objection – subject to an agreed ROW \Management Plan.
3.26	The development site benefits from a number of legal rights of way that appear to have been responded to in the proposed design. For clarity the final scheme plan should clearly identify the legal rights.
3.27	Public footpath 331/89/3 transects the middle of the site and will obviously be affected by the development. An accommodation plan must be developed to demonstrate how the legal rights of access will be maintained through the course of the development.
3.28	Regeneration: This development brings much needed residential development to this particular valley. Request that any affordable housing could be fulfilled via Low Cost Home Ownership or a commuted sum.
3.29	Education: The Education Directorate have advised that they require a contribution of £86,526.00 towards secondary education within the Ebbw Fach Valley.
3.30	Service Manager Public Protection: No objection. The Terra Firma geo technical and geo environmental report job no- 14554, confirmed the levels of contamination on site are within acceptable limits. The report does recommend basic radon protection measures are required, which are regulated by building control.
3.31	The officer also requested conditions for a Construction and Environmental Management Plan (detailing means of noise and dust mitigation) and operational hours during construction.
3.32 3.33	**External Consultation Responses** Town / Community Council: No response received.
3.34	Welsh Water: Advised that development requires SAB approval. Site is also crossed by public sewers. No development to be permitted within 3m either side of the public sewers. Recommend standard condition for foul drainage details and advisory notes.
3.35	Western Power: Identifies apparatus on the site.

3.36	W&W Utilities: Identifies apparatus on the site.
3.37	**Public Consultation:**
3.38	• 22 letters to nearby houses • site notice x2 • press notice (as a 'major' planning application) • website public register of applications • ward Members by letter • all Members via weekly list of applications received
3.39	Response: **59 letters of objection** have been received. The main issues raised are summarised below:
3.40	• Considering the recent flooding and landslides throughout the area, to allow the build to go ahead would be reckless.
3.41	• The initial site works carried out in late 2018 have already caused major flooding for residents further down Hill Crest View.
3.42	• When there were previously houses on the proposed site they couldn't prevent the water that comes off the mountain from penetrating houses. Nothing has changed, if anything the volume of water has gotten worse.
3.43	• Due to the rain that comes off the mountain, the drains will not be able to cope with the water
3.44	• Where existing drainage is filtered through farm land and follows a natural culvert and existing system, this development will increase likelihood of flooding to existing properties, especially if permeable paving fails due to heavy rain.
3.45	• An increase risk to existing properties from subsidence due to construction of new site, disturbing land and heavy construction traffic accessing the area.
3.46	• The proposed development could trigger a landslide. Disturbing the coal seam could cause an Aberfan-like disaster and if you follow the line of the seam across the valley, in its wake will not only be numerous homes but also a primary and a secondary school, and a factory.
3.47	• The Geotechnical Report identifies a landslide. The survey records that the slip has a total plan area of 18 hectares and resides within the Brithdir Beds extending above and below the Cefn Glas coal seam and also extending below the Brithdir Coal Seam in the north of the slip.
3.48	• Whilst the slide has been classified as dormant, disturbing the slide or

	its drainage, or future changes in the prevailing climate (i.e. such as an increase in storm frequency) could potentially reactivate the slide.
3.49	• The proposed site is riddled with Japanese Knotweed.
3.50	• The proposed plans will involve cutting down many trees, all of which will add to the already very obvious water issues in the surrounding areas. These trees will be holding the soil in place, once they are gone, there will be more water flowing through unstable ground, which will further increase the risk of a landslide.
3.51	• Equally as concerning is the impact the development would have on local on wildlife and habitats affecting protected species
3.52	• Hill Crest View and the surrounding area does not have the road infrastructure to support 56 more cars
3.53	• The road is already in a terrible state with pot holes. Lorries going up there will make it worse.
3.54	• Land being used by existing residents of Hillcrest View for parking will be taken away and no alternative offered.
3.55	• Concerns of noise pollution and privacy
3.56	• Risk to public – construction traffic, air and possible water pollution from construction.
3.57	• Bedroom will be overlooked by properties at plots 21-26
3.58	• New development would place further strain on public services. GP-primary care services already under resourced due to low GP retention numbers.
3.59	• Housing unlikely to favour local people from Abertillery district, contrary to Welsh Assembly initiatives.
3.60	• Development not beneficial to local economy as limited jobs to support the local area.
3.61	• Loss of land near neighbouring farm as trees would have to be felled for this construction to take place.
3.62	• Loss of land currently used for public pleasure and enjoyment.
3.63	• Site plan submitted does not correspond with land sold under Paul Fosh Auction, July 2014
3.64	• The site will not be totally cleared (leaving foundation footings), causing an environmental health concern regarding the rat population and whatever is left in sewer pipes.
3.65	• The developers appear to have no regard to the local community. There is an unsightly container on the car park in front of intended properties at 21-28. There have been complaints but no action appears to have been taken.

4. Planning Policy	
4.1	Team Manager Development Plans:
4.2	No planning policy objection in principle. The site is an allocated housing site under ref H1.16.
4.3	The dhp (no of dwellings per hectare) of 31 seems reasonable as we are using 35 in the Replacement LDP work currently being undertaken. I think the number of 22 dwellings came from a proposal when we were preparing the current LDP rather than a dph figure applied across housing allocations. If you applied a 35 dph figure which was generally applied across the LDP then this would give you a figure of 29 dwellings for the allocated site (based on 0.83 ha allocated boundary). Advised that consideration of the application should have regard to the following policies:
4.4	LDP Policies: SP2 Southern Strategy Area – Regeneration SP4 Delivering Quality Housing SP5 Spatial Distribution of Housing Sites SP9 Active and Healthy Communities SP10 Protection and Enhancement of the Natural Environment DM1 New Development DM2 Design and Placemaking DM3 Infrastructure Provision DM4 Low and Zero Carbon Energy DM7 Affordable Housing DM12 Provision of Outdoor Sport and Sport and Play Facilities DM14 Biodiversity and Protection Enhancement DM15 Protection and Enhancement of Green Infrastructure DM16 Trees, Woodlands and Hedgerow Protection SB1 Settlement Boundaries ENV3 Sites of Importance for Nature Conservation
4.5	Other Relevant Documents Planning Policy Wales 10 (December 2018) Access, Car Parking and Design SPG (2014) A Model Design Guide for Wales Residential Development (2005). Planning Obligations (September 2011)

5. Planning Assessment	
5.1	Principle of Development
5.2	The development site lies within the settlement boundary (Policy SB1) within which development is normally permitted subject to other policies in the LDP and material planning considerations.
5.3	The site is also located within the Southern Strategy Area where there is a focus on regenerating the area. Policy SP2 requires proposals within this area to, amongst other things, deliver regeneration schemes that provide residential development and infrastructure. Policy H1 contributes to this objective with the allocation of Hillcrest View, Cwmtillery (H1.16) with an indicative number of 22 residential units. This proposal seeks to provide 28 units.
5.4	Having regard to policies SP2 and H1 outlined above, the proposed residential development is considered to be a compatible land use terms and accords with LDP Policy DM1(2)a.
5.5	LDP Policy SP4 states that a mix of dwelling types, sizes and tenures, including affordable dwellings, will need to be delivered in order to meet the local housing needs of the population whilst Policy SP5 identifies that 228 new houses will need be located in the Lower Ebbw Fach area in order to create a network of sustainable linked hubs. This development proposes 28 new dwellings comprising a mix of semi-detached and terraced 3-bed (plus one 4-bed) dwellings and will therefore contribute to the housing requirement under policies SP4 and SP5.
5.6	Site Layout, Scale and Appearance I consider the proposed site layout to be broadly acceptable given the constraints of the site and I welcome the fronting of the houses on to Hillcrest View, which creates an active frontage along the main street. Whilst the developer was encouraged to reduce the number of dwellings to allow for wider plots, I note that they have already made efforts to widen plots by reducing the number of dwellings from 30 (in their pre-application enquiry) to the 28 now proposed. I am also mindful that the site previously housed 34 dwellings (Fig 4), which equated to 38 dwellings per hectare. This proposal for 28 dwellings (Fig 5) would equate to 31 dwellings per hectare (dhp). The planning policy team have confirmed that 31dph is considered acceptable given that the figure of 35dph that is generally applied to housing sites across the LDP. It is understood that the allocation of 22 units for the site was based on a previous proposal at the time of preparing the current LDP.

5.7

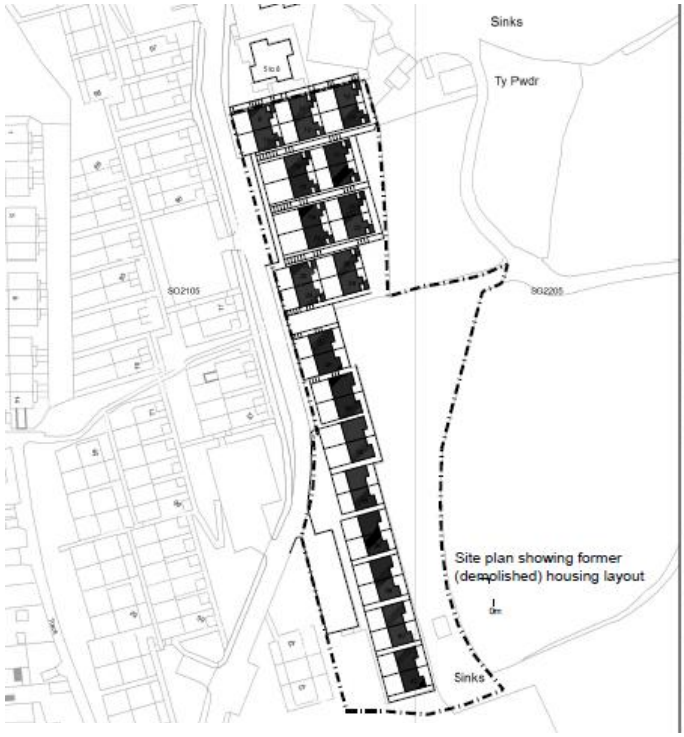


Fig 4 (above left): Site Layout of previous housing on the site prior to demolition.

Fig 5 (above right): Proposed Site layout.

5.8 The slight reduction in the number of plots has now allowed for more soft landscaping to the frontage of plots, including tree planting, so as not to create a hard urban edge. The developer also explored the possibility of omitting the shared forecourt to the front of plots 1- 4, however, to do this would have required substantial retaining structures and a significant increase to the ridge heights of plots 1- 4 that I considered would be out of keeping and visually unacceptable as part of the street scene.

5.9 As part of the application process plots 27 & 28 were re-orientated, moved further away from the bungalows and altered in design (from 2 storey to 2.5 storey) to be more in keeping with the rest of the scheme and reducing their potential impact upon the bungalows sited at a lower level. Amendments were also made to window designs to create more balanced frontages.

5.10 Whilst the dwellings will appear 3 storey from the front (due to the raised floor level), the scale of the dwellings are not disproportionate to the neighbouring 3 storey building and the resultant ridge line which rises incrementally from south to north sits comfortably within the street scene (Fig 6). However, in order to minimise the scale of the dwellings, the upper floors have been accommodated within the attic space. The dwellings have also been set back from the road so as not to cause an unacceptable visual

impact upon the street scene or surrounding area, in line with LDP Policy DM1(2)b.

5.11

Fig 6 (above): Proposed street scene adjacent to the existing 3 storey building (to the left).

Fig 7 (below): Proposed house types

5.12

5.13 The design and materials proposed for the dwellings are considered acceptable and will create an attractive street scene. Sufficient amenity space has been provided within the plots and proposed boundary treatments are also considered acceptable, with a higher quality boundary (metal railings) used for more visible, outward facing boundaries. Retaining walls are proposed within the site, however, these have predominantly been limited to rear gardens and are between 1.2m -1.65m in height. Finishes of such structures can be conditioned.

5.14 I consider that the scale, layout and appearance of the proposed development, subject to conditions are acceptable and comply with the relevant criteria contained in DM1 and DM2. However, as the layout is relatively open to the frontage, I suggest a condition be imposed to prevent further boundary enclosures from being constructed. This will ensure that the appearance and attractiveness of the street and amenity of future occupiers is maintained.

5.15 <u>Access</u>

Both vehicular and pedestrian access to the site is to be provided from the existing highway network off Hillcrest View.

	A Parking Sustainability appraisal was submitted in support of the application. The Sustainability Criteria from Appendix 5 of the adopted SPG 'Access, Car Parking and Design' has been used by the applicants to justify reducing the car parking requirement for the development from 3 spaces to 2 spaces per dwelling. I acknowledge however that plot 28 is a 4-bed dwelling and therefore requires 3 car parking spaces. However, given that there are 3 car parks within 100m of the development, I am satisfied that this shortfall of 1 space could be absorbed quite easily within the locality. Furthermore, I am satisfied that the housing need in the area outweighs this requirement for 1 additional parking space.
5.16	The Highway Authority have confirmed that having applied the sustainability credentials for the development against the Council's 'Access, Car parking and Design' SPG, the parking provision for the development is acceptable. A new 2m wide footpath will be provided to the frontage of plots 1-20 and a 1.2m footpath will be constructed to the frontage of plots 21-26. Timely provision of these footpaths would be conditioned.
5.17	Whilst parking courts are not usually encouraged from a visual perspective, shared parking areas are a characteristic feature within this area and thus will not be out of context with the surrounding area.
5.18	In response to comments from residents regarding the capacity of the highway network, the Highway Authority have raised no concerns in relation to the development in terms of both vehicular movements or existing parking provision.
5.19	I am satisfied on such basis that subject to conditions the highway network is capable of serving the development and satisfactory access can be provided for both pedestrians and vehicles.
5.20	<u>Ground Conditions</u> Residents have raised concerns regarding the dormant landslide to the east of the site and potential subsidence.
5.21	A Site Investigation (S.I) Report has been submitted with this application that has assessed both ground stability and contamination. The report concludes that there is no risk to the development from mining but infiltration drainage is not recommended for the site due to the risk of reactivating a dormant landslide to the east of the site.
5.22	The report also confirms that contamination is within acceptable levels, albeit

	Radon protection methods are recommended. Such measures are common to many developments in the Borough and are controlled by Building Regulations. Both the Geotechnical Engineer and Environmental Health Officer are satisfied with the findings of the report and have not raised any objections to the development. I am therefore satisfied that subject to a condition requiring compliance with the recommendations of the report that the development complies with policies DM1(2)i and j.
5.23	<u>Drainage</u> The Design and Access Statement which was submitted in support of the application states that *"The flood map shows no flood risk to the site – The redirection of surface water to existing water courses is planned, together with cut off drains to the rear of the site to protect the new houses. Current water run off issues reported locally appear to be the result of lack of past maintenance due to silted up or blocked chambers."*
5.24	Since 7th January 2019 any development proposals that have a hard surface area that exceeds 100m2 require separate SAB approval to deal with surface water drainage. This development exceeds that threshold and accordingly requires approval of Sustainable Drainage Systems (SuDS).
5.25	I note that residents have raised concerns regarding flooding. If any evidence is found that the development would have a detrimental effect to flooding then this will be taken into account as part of the SAB application process.
5.26	In terms of historic water run-off issues, the Council's Drainage Engineer is well aware of some localised flooding issues (see consultation response at para 3.9 - 3.11 above) and has advised that it is his understanding that this was as a result of damaged inspection chamber. The developer has opened up an inspection chamber within the site to direct the flow into it. The Officer is also aware that this sometimes gets blocked with debris washed down from the mountain. The Officer has therefore advised that as the developer is fully aware of the existing culvert and any associated land drainage issues that such matters will need to be addressed to the Council's satisfaction prior to works commencing on site.
5.27	A condition could be imposed requiring full details of all required land and foul drainage works to be submitted and approved before any works commence on site. This approach would ensure the proposal complies with policy DM1 (2e). An informative note could also be added to ensure the developer is aware of their responsibility to obtain the necessary SAB consents to deal with surface water drainage.

5.28	<u>Landscaping/Ecology/Rights of Way</u> A detailed landscaping scheme has been submitted with the application, which is supplemented by a Tree Survey and Ecological Assessment.
5.29	The Service Manager Green Infrastructure has indicated that he is satisfied that the landscape information provided demonstrates a clear approach to the use of green infrastructure, helping to compensate for any trees loss as a consequence of the development. Tree loss will be approximately 11 trees; located to the rear of plots 12, 16-18 and the front of plot 27-28. All the trees to be removed are considered to be of low retention value or defective, with the exception of one Larch tree that is of 'moderate' retention value. I concur with the officer's comments and am satisfied the development complies with LDP policy DM2.
5.30	With regards to the designated SINC to the far east of the site (but still within the allocated housing site), no built development is proposed within this steep embankment which will be garden land. The SINC is referred to as 'other grassland' and the Council's Ecologist has raised no concerns with regards to the impact upon the SINC. As such I am satisfied that the ecological value of this small area will be maintained in accordance with LDP Policy DM14.
5.31	In respect of ecology the Ecological Assessment submitted by the applicant was considered sufficient to inform the required mitigation for the site. However conditions will be required to secure a full reptile mitigation strategy, a Construction Environmental Management Plan and a Management Plan to deal with Japanese Knotweed.
5.32	With regards to the designated rights of way that run through the site and adjacent to the eastern boundary, pedestrian links have been provided within the proposed layout to facilitate connections from Hillcrest View to the surrounding green infrastructure. The Team Manager Green Infrastructure has requested that an accommodation plan is provided to demonstrate how the existing legal rights of access will be maintained through the course of the development. I have since discussed this with the officer verbally and he has agreed that an informative note advising the applicant of their legal duty under the Rights of Way Act 1990 will be sufficient.
5.33	Based on the above I am satisfied that subject to conditions the proposal complies with policies DM1(f), DM14, DM15 and DM16 in respect of landscape, ecology and Rights of Way issues

5.34	Neighbouring Amenity Objectors have raised concerns with regards to loss of privacy.
5.35	In terms of siting I note that all the proposed dwellings are to be positioned in excess of 21m from existing dwellings sited opposite, to the west of Hill Crescent. I therefore have no concerns of any unacceptable overlooking impacts. I acknowledge that due to the topography in this hillside location, the proposed dwellings will be higher in comparison to the existing properties to the west and the terrace of bungalows to the south-west corner. However, I am satisfied that the separation distance is sufficient enough to not cause an unacceptable overbearing impact and the windows on the frontages of the new properties will predominantly overlook the ridge heights of existing properties thus minimising any adverse impact upon the privacy of the occupiers of the properties opposite. Furthermore, I am mindful that houses were previously sited on this land, in a similar layout, approximately the same distance away. In respect of the impact upon the amenity of the properties to the north and north-east, I am satisfied that the development will have a negligible impact.
5.36	Having considered the impact upon the neighbouring amenity, I am satisfied that the development accords with LDP Policy DM1(2)c.
5.37	Noise, Odour, pollution Residents have understandably raised concerns regarding potential noise, odours, pollution and lorry movements during construction stage of the development, should the application be approved. The Environmental Health Officer has requested a Construction Method Statement and the Council's Ecologist has requested that a Construction Environmental Management Plan (CEMP: biodiversity) be submitted prior to commencement of development . These documents will be required to confirm the measures to be taken to control noise, dust, pollution, the management and eradication of Japanese Knotweed and agree proposed construction operation hours.
5.38	Other Matters I note the comments raised by objectors in respect of the existing condition of the road along Hillcrest View (pot holes). However, this is a highways maintenance issue and not a material planning consideration.
5.39	Comments in relation to land ownership are not a material planning consideration. The applicant has signed certificate A on the application form to confirm that they own all the land within the application site.
5.40	Whilst comments in relation to the developer and an existing container on site are not material to the determination of this application, the issue of

	containers placed on site (which may be owned by third parties) is being investigated as a separate issue by the Council's Enforcement Team.
5.41	In response to the comments surrounding impacts upon local services, such as GPs and references that the development would not benefit the local economy, I would remind Members that this is an allocated housing site. The needs of public services would have been taken into account as part of the preparation of the LDP at a strategic level and considered at that time.
5.42	Comments in relation to the 'loss of land' for enjoyment or parking are not material planning considerations. The land is not designated as public open space or a public car park. The land is privately owned and could be legitimately fenced off by the owners at any time.
5.43	In response to comments that the houses will not be for local people, I currently understand that the houses will be sold on the open market. Where future purchasers of the properties reside is not a material planning consideration.
5.44	Concerns regarding potential rodents would be dealt with by Environmental Health and are not a material planning consideration.
5.45	<u>Planning Obligations</u> Members will be aware that there are policies in the adopted LDP that require that when considering applications of a certain scale and type careful consideration must be given to the impact of the development on the locality and the provision of services.
5.46	Policy DM7 of the adopted LDP requires that where there is evidence of need the Council will seek 10% affordable housing (subject to viability) on all sites that: - Contain 10 or more dwellings; or - Exceed 0.28ha in gross site area; or - Exceed the thresholds in (a) or (b) above for adjacent sites.
5.47	Policy DM3 requires, (subject to viability), that new development meets the infrastructure needs that it generates, including the improvement of provision of infrastructure, services and community facilities. In this respect the Education Directorate have specifically advise that they would require a contribution of £86,526.00 to meet the number of places in secondary education which this development would generate in the Ebbw Fach Valley.

5.48	Policy DM12 further requires that where there is a quantitative deficiency in outdoor sport and play facilities, such provision will be sought in conjunction with all new residential developments of 10 units or more, based on a minimum of 2.4 hectares of recreational open space per 1000 projected population. The 2017 survey for outdoor sport and play facilities has indicated that there is a deficit within the Cwmtillery Ward. Whilst we consulted Leisure in relation to this application they have not a responded. I note however that a contribution of £50,000 was requested at pre-application stage.
5.49	In considering such policy requirements against the details of a specific development proposal regard must also be given to the further advice on Planning Obligations contained in the Council's Planning Obligations SPG 2011 (which currently enjoys interim policy status). That document clearly acknowledges that the ability of smaller scale developments to absorb the high development costs typical in this area because of issues such as mining legacy and contamination and the costs of planning obligations and return a reasonable profit is somewhat unreasonable and unrealistic. On such basis there is provision within the SPG to allow a developer who contends that the planning obligations associated with a scheme are too onerous and would potentially render a development scheme unviable to submit a financial assessment of the costs and anticipated profits of the scheme based on properly sources evidence in accordance with a prescribed procedure
5.50	In this case the applicants/developer have challenged the ability of the development scheme to deliver the planning obligations requested on the grounds of viability and the agents have submitted a financial appraisal in support of their application which was has been assessed using the Three Dragons Development Appraisal Toolkit (DAT) model. This is a recognised method of assessing whether there is sufficient financial viability for a scheme to proceed whilst making the necessary contributions to mitigate the impact of development.
5.51	The submitted information has been assessed by The Team Manager Development Plans and found to be an accurate representation of the development costs for the site. Based on this information she has concluded that the site in unviable. Whilst noting that the DAT indicates some residual value without the provision of affordable housing she acknowledges that the DAT does not fully take account of abnormal costs which must be evident given the overall costs. On such basis that the viability of the site is such that it could not sustain provision of affordable housing nor payment of financial contributions towards Education nor Leisure needs.

5.52	Members will appreciate that in such circumstances the Authority must determine whether it is prepared to approve the application without such provision and contributions towards service needs.
5.53	In making this balanced decision I am of the view that considerable weight should be afforded to the wider regeneration benefits that would be derived from seeing this allocated housing site being developed. It is clear that the building of 28 new dwellings on this site within the Southern Strategy Area would make a positive contribution towards the LDP's wider objectives of promoting the reuse of under used land and delivering regeneration schemes which provide new residential development in the area.It is widely acknowledged that there are limited opportunities to provide new housing stock in this part of the Borough for topographical and other reasons. This would in part redress this issue. There are also the prospects of employment opportunities and local supply chain benefits.
5.53	On the negative side it must be acknowledged that if this development is approved without the financial contributions this will have an impact on the local schools capacity to deal with future needs. Similarly the potential opportunities to refurbish and upgrade outdoor play facilities in the ward would be lost. Notably however if the decision was made to require the applicants to commit to making a financial contribution before planning permission was granted there is a high risk that the site would be left undeveloped and there would be little private sector interest in the site.
5.54	Based on the fact that the applicants have been able to demonstrate by the submission of a financial appraisal that there is insufficient residual value in the land to sustain the planning obligation requirements identified and that the assessment has been found to be robust I have not included a requirement for the applicants to enter a Section 106 Agreement in my final recommendation.
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	<u>Conclusion</u> The development will deliver 28 houses on an allocated housing site and will replace previous housing that could not be saved. Furthermore, the development will assist in delivering the housing target under LDP Policy SP4. Whilst the proposed development fails to deliver any planning obligations in terms of affordable housing or education and leisure contributions, evidence has been submitted in accordance with SPG guidance, which has demonstrated that requiring such contributions would further jeopardise the financial viability of the proposed development.
7.2	In conclusion, the proposed residential development is considered to be acceptable in land use terms and would not have an unacceptable impact upon the character and appearance of the surrounding area nor have an adverse impact upon the neighbouring amenity or highway network.
7.3	It is considered that the development proposal is acceptable subject to conditions and complies with relevant policies contained within the LDP.
7.4	Accordingly my recommendation is that planning permission be **<u>GRANTED</u>** subject to the following conditions: 1. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents: <u>Plans:</u> ▪ Site location plan, dwg no. 1787.P01A stamped date received 5 Feb 2020 ▪ Block plans, dwg no. 1787.P02A received 19 August 2020; ▪ Proposed Site Plan, dwg no. 1787.P04G received 17 July 2020; ▪ Sections and Street Elevation, dwg no. 1787.P05C received 9 June 2020; ▪ Proposed floor plans, dwg no. 1787.P06D stamped date received 6 June 2020; ▪ Preliminary drainage schematic, dwg no. 1787.P07B stamped date received 5 Feb 2020 ▪ Proposed elevations, dwg no. 1787.P10B received 6 June 2020; ▪ Proposed Planting Plan, dwg no. 18/642/03 Rev B received 5 Feb 2020; ▪ Refuse Swept Path Analysis, dwg no. C5401-AT01 received 5

Feb 2020
- Proposed drainage plan, dwg no. 110 P1A stamped date received 11 Feb 2020
- Schematic drainage strategy, dwg no. 110 P2A stamped date received 11 Feb 2020

Documents:
- Tree Survey and Arboricultural Impact Assessment, Mackley Davies Associates, Revision A, 26/9/2018
- Ecological Impact Assessment, Wildwood Ecology, document no WWE18131 ECIA Rev A, dated 20/07/2018
- Geotechnical & geo environmental report, Terra Firma, 14554 Rev A with addendum (Jan 2018) stamped received 10 Feb 2020;

unless otherwise specified or required by conditions listed below.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

2. Notwithstanding the details on the approved plans, the surface water drainage proposals are not approved.

   Reason: To clearly define the scope of this permission.

3. Notwithstanding the details on the approved plans, no development shall commence on site until details are submitted to and approved in writing by the Local Planning Authority for a drainage scheme showing how foul and land drainage will be dealt with. The dwellings hereby approved shall not be occupied until all drainage works relating to that property and any connection to the wider drainage network are completed in full accordance with the approved plans.

   Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

4. The parking areas allocated for each dwelling are to be fully constructed and surfaced prior to occupation of each respective dwelling and retained for their designated purpose in perpetuity.

   Reason: To ensure the parking needs of the development are adequately met and to safeguard highway interests.

5. Prior to commencement of works on site, construction details of the new 2m and 1.2m wide footpaths serving the development shall be submitted to and approved in writing by the Local Planning Authority. Plots 1-20 shall not be occupied until the 2m footway has been fully constructed in accordance with the approved details and the plots 21-26 shall not be occupied until the 1.2m wide footway has been fully constructed in accordance with the approved plans.

   Reason: To safeguard highway interests.

6. Prior to commencement of development, construction details of the new turning head, as indicated on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The new turning head is to be fully constructed in accordance with the approved details prior to occupation of plots 21-28.

   Reason: To safeguard highway interests.

7. All tree protection measures, as outlined in the approved Tree Survey and Arboricultural Impact Assessment (Mackley Davies Associates, Rev A, 26/09/18) shall be put in place prior to the commencement of any work on site. Such measures shall be retained during the development unless otherwise agreed in writing by the Local Planning Authority.

   Reason: To ensure protection of any trees and hedgerows to be retained and avoid unnecessary damage to their root system.

8. No development shall take place until a full Reptile Mitigation Strategy (Based on Appendix VI of the Ecological Appraisal Report by Wildwood Ecology ref WWE18131 ECIA Rev A, pages 27-31) has been submitted to and approved in writing by the Local Planning Authority. Such details should show agreement regarding the proposed receptor site at Greenmeadow Farm SINC ENV3.132; mapped enhancement actions and long term management plan, including reptile surveys of the receptor area in years 1, 3 and 5. The details as approved shall be implemented in full and in accordance with approved timescales.

   Reason: To safeguard ecological interests

9. No works in relation to any retaining walls in excess of 1.5 metres high (other than those forming the fabric of the building) shall commence until details of finishes and constructional details, including structural

calculations produced by a suitably qualified engineer, are submitted to and approved in writing. All works implemented shall be completed in full accordance with such details and specifications before the development hereby approved is brought into beneficial use.

Reason: To safeguard the integrity of any retaining works required in association with the approved development and to safeguard visual amenity interests.

10. No development shall commence on site until a Construction Method Statement has been submitted to and approved in writing by The Local Planning Authority. The Statement shall provide details of for:-
    - hours of working;
    - the parking of vehicles of site operatives and visitors;
    - delivery of materials;
    - wheel washing facilities;
    - storage of plant and materials used during construction;
    - the erection and maintenance of security hoarding ;
    - measures to control the emissions of dust and dirt during construction;
    - a scheme for the recycling/disposing of waste resulting from the construction works; and
    - the siting and details of any construction compound;

    Such details and measures as contained in a Statement that is approved in writing by the Local Planning Authority shall be adhered to throughout the construction period.

    Reason: To safeguard local amenity interests and to ensure that the impacts of the construction phase of the development are appropriately and adequately addressed.

11. No development shall take place (including demolition, ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include details of the following:-
    a) a risk assessment of any potentially damaging construction activities;
    b) identification of “biodiversity protection zones”;
    c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
    d) the location and timing of sensitive works to avoid harm to biodiversity features;

e) the times during construction when specialist ecologist need to be present on site to oversee works;
f) responsible persons and lines of communication;
g) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and
h) the use of protective fences, exclusion barriers and warning signs.
i) Identification and means of eradication of Japanese Knotweed

The CEMP (Biodiversity) shall be strictly implemented and adhered to throughout the construction period in full accordance with the approved details.

Reason: To protect biodiversity interests and ensure that suitable measures are taken to mitigate any adverse impacts on biodiversity.

12. The dwellings hereby approved shall not progress beyond ground preparation and the laying of foundations until details of the proposed external finishes, including finishes to any walls up to 1.5m high have been submitted to and approved in writing by the LPA. The dwellings shall then be constructed in full accordance with such details as may be approved.

    Reason: To safeguard visual amenity interests.

13. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than any expressly authorised by this permission) shall be erected or constructed forward of the principal elevation of that dwelling.

    Reason: In the interests of visual amenity and to safeguard the appearance of the area.

14. All works undertaken shall be implemented in full accordance with the recommendations contained in Sections 6 and 7 of the Geo Environmental and Geotechnical Report (Terra Firma, Job No. 14554 Rev A with addendum, 2018). None of the dwellings hereby approved shall be occupied until the Local Planning Authority is provided with a validation report, signed by a suitably qualified person that confirms that all the recommendations, measures and/or works have been fully implemented.

    Reason: To ensure that the development is implemented in a manner

that gives due regard to ground stability issues.

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following occupation of the building, the completion of the development (whichever is the sooner), or any alternative timescale that may be approved in writing by the Local Planning Authority before works commence on site. 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.

16. 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.

Informatives:

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 development site is crossed by a public Right of Way ref 331/89/3. The developer is advised that it is a legal offence to obstruct, stop up or divert that right of way. Prior to works commencing on site you are advised to contact the Council's Team Manager Green Infrastructure on 01495 355545 for advice on any permission or legal agreement that may be required for works affecting that right of way and how the Right of Way may be maintained during the course of development.

3. In addressing condition 11 above, the developer is advised that the

entire site should be checked for Japanese knotweed before any vegetation clearance or groundworks take place. This is to prevent the spread of this invasive species. The stands of Japanese Knotweed should be subject to eradication by a suitably qualified BASIS contractor. Until these areas have been signed off as being clear of this species, an exclusion zone should be set up to extend 7m from the furthest extent of this plant. No groundworks should occur in these areas until the contractor has signed them off as being clear of the plant. Additionally, the entire site should be resurveyed for this species and a control and eradication plan put in place.

4. The developer is advised that Japanese Knotweed is listed in Schedule 9 of the Wildlife and Countryside Act 1981. It is an offence to plant or cause this species to grow in the wild. This means that actions which cause the spread of Japanese knotweed, e.g. strimming, flailing or dumping contaminated material, may constitute an offence.

   Waste material from these plants is classed as 'controlled waste' under the Environmental Protection Act 1990 and must be disposed of at a suitably licensed or permitted waste site. Certain herbicides and plant material containing herbicides may also be considered as hazardous waste under the Hazardous Waste Regulations. If using a carrier to move this waste off site you must ensure they are a registered waste carrier.

5. In addressing condition 10 above, the developer is advised that working hours should be restricted to 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays unless otherwise agreed in writing by the Local Planning Authority.

6. All British birds, their nests and eggs (with certain limited exceptions) are protected under Part 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside Rights of Way Act 2000. This makes it an offence to intentionally or recklessly kill, injure or take any wild bird, damage or destroy the nest of any wild bird whilst it is in use or being built or take or destroy the egg of any wild bird. To avoid any unlawful act, all works should be carried out between the months of September and February (inc).

7. All British bat species are protected under the Conservation of Habitats and Species Regulations 2010 (as amended), known as the 'Habitats

	Regulations'. Under the Habitats Regulations, it is an offence if you: • Deliberately capture, injure or kill any wild animal of an European Protected Species, • Deliberately disturb wild animals of any such species, • Damage or destroy a breeding site or resting place of such an animal Should any species be found in the course of development, works should cease immediately and the developer should contact the Council's Biodiversity Officer on 01495 355702 for advice in this regard. 8. The developer's attention is brought to the advice contained within the Welsh Water response, a copy of which is attached to this decision letter.
8. Risk Implications	
8.1	None.