

COUNTY BOROUGH OF BLAENAU GWENT

**REPORT TO: THE CHAIR AND MEMBERS OF THE PLANNING,
REGULATORY & GENERAL LICENSING
COMMITTEE**

**SUBJECT: PLANNING, REGULATORY & GENERAL LICENSING
COMMITTEE - 2ND SEPTEMBER, 2021**

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: COUNCILLOR D. HANCOCK (CHAIR)

Councillors W. Hodgins (Vice-Chair)
G. L. Davies
M. Day
C. Meredith
K. Pritchard
T. Smith
G. Thomas
D. Wilkshire
B. Willis
L. Winnett

WITH: Team Manager – Development Management
Team Manager – Built Environment
Team Leader – Development Management
Planning Officer
Team Manager – Green Environment
Solicitor
Head of Legal and Corporate Compliance

AND: Public Speakers

Applicant: Mr D. Phillips – Endsleigh, Alma Terrace,
Brynmawr, Ebbw Vale NP23 4DR

Ward Members: Councillors H. Trollope, S. Thomas and
M. Moore - Former Job Centre, Coronation Street,
Tredegar NP22 3RJ

DECISIONS UNDER DELEGATED POWERS

ITEM	SUBJECT	ACTION
No. 1	<p><u>SIMULTANEOUS TRANSLATION</u></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>	
No. 2	<p><u>APOLOGIES</u></p> <p>The following apologies for absence were received:-</p> <p>Councillor D. Bevan Councillor K. Rowson Councillor J. Hill Councillor B. Thomas</p>	
No. 3	<p><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p> <p>No declarations of interest and dispensations were received.</p>	
No. 4	<p><u>PLANNING APPLICATIONS REPORT</u></p> <p>Consideration was given to the following:-</p> <p><u>C/2021/0168</u> <u>18 & 19 Market Street, Abertillery</u> <u>Change of use to Wine Bar and</u> <u>associated external alterations</u></p> <p>The Team Manager – Development Management provided an overview of the application with the assistance of visual aids. It was outlined that the property was a split level building which occupied a corner plot between Market Street and Commercial Street, Abertillery. The building had been vacant for a number of years with the last known use at ground floor as A3. The building also incorporated a small unit fronting Commercial Street, which was formerly used as a butcher shop.</p>	

It was noted that the plans indicated that there would be no access from the property onto Commercial Street, the entrance/exit would be via Market Street.

The Team Manager referred to concerns that the change of use of this property to a wine bar would result in a clustering of A3 uses contrary to the Food and Drink SPG. However, the Team Manager highlighted the considerations which could be taken into account when determining the application and advised that these two A3 uses could be deemed as not being adjacent to the proposal and therefore not representing a cluster of A3 uses. There were also historical planning uses granted on the units.

In conclusion, the Team Manager advised that despite such concerns there were also several reasons that would justify supporting this application. This derelict building was an eyesore that currently had a negative visual impact upon the street scene. The re-use of the building would potentially bring the building back into use and would positively contribute to the vitality and viability of the town centre in accordance with LDP Policy SP3.

In this instance it was felt that there are specific locational factors for accepting that the positive impacts of this development would outweigh concerns regarding potential clustering of A3 uses. The development does not raise issues in terms of the number of units within the town centre in accordance with the SPG and was not considered to have an adverse detrimental impact upon the neighbouring area in this town centre location. Therefore, the Team Manager stated that the application was recommended for approval subject to conditions.

The Vice-Chair supported the application as it would enhance the Town Centre and it was unanimously

RESOLVED that Planning permission be **GRANTED**.

C/2021/0196

Endsleigh, Alma Terrace, Brynmawr,

Ebbw Vale NP23 4DR

Complete removal of sycamore tree (T1)

covered by TPO No. BG120

The Team Leader – Development Management outlined the application with the assistance of visual aids and advised that the application sought consent to fell a sycamore tree, which was covered by Tree Preservation Order.

The Team Leader informed that the reason for the proposed felling of the sycamore tree related to the tree's root system which had caused structural damage to the western side boundary wall of the property and adjacent steps, path and gate pillar. This damage had resulted in the boundary wall becoming unstable and the site had been secured via the erection of heras fencing which have been in place since October 2019. The applicant has also advised that Welsh Water has had to carry out works to the sewer due to a blockage caused by the tree's roots.

The Team Leader referred to the consultation responses from Building Control and Arboricultural Officer. The Planning Assessment was further noted and the Team Leader explained the process of TPOs being determined for removal. A Tree Preservation Order was used to protect trees whose removal would have a significant impact on the environment and its enjoyment by the public. The substantial amenity value of the sycamore tree was therefore recognised by the fact that it was protected by a TPO and its removal would unquestionably have a detrimental impact on the character and amenity of the local area. The undertaking of works to, or the felling of, a protected tree was typically justified by concerns relating a tree's health or safety and these concerns must be based on evidence provided by an assessment undertaken by suitably qualified tree professional and documented within a tree report.

The submitted tree report does not provide an assessment of the tree's health in this instance and no safety issues with the tree itself had been identified. The Council's Arboricultural Officer also raised no concerns in relation to the sycamore tree's health or safety and as such, the Team Leader advised that there was no justification to remove the tree on the aforementioned grounds.

It was further added that structural damage was also a reason commonly given for the felling of protected trees and the tree report stated that it was evident that the tree's root system had caused considerable structural damage to the boundary wall, steps and path within the grounds of the property along with the pillar which supported the gate. The boundary wall was also recorded as dangerous structure by the Authority in October 2019 and a temporary heras fence has been in situ since this time to limit the health and safety risk to members of the public using the adjacent highway. It was noted that the structural damage to the boundary wall was not in dispute as the movement in the wall most likely to be the result of physical pressure exerted by the tree's root system.

The Team Leader noted the tree report recommended that if the sycamore tree was to remain the boundary wall would need to be rebuilt at least two metres away from its current position which would result in it moving further out into the adjacent highway. The Council's Team Manager Built Environment indicated that the adjacent highway was adopted and would object to its enclosure into the curtilage of the application property. In addition, there was potential for service infrastructure to be located in this area beneath the highway and a "stopping up order" would need to be applied for. If the latter was successful, the land beneath the public highway would automatically transfer to the previous land owner, which may not be the applicant.

The Council's Team Manager Green Environment challenged the adequacy of the tree report and indicated that there are engineering solutions available that would allow the sycamore tree to be retained and the wall to be rebuilt to remove the conflict between the tree's root system and the boundary wall. The applicant was advised that these alternative engineering solutions were available however none were forthcoming from the application and therefore the Council's Arboricultural Officer objected to the felling of the sycamore tree on the basis that it was of substantial amenity value within the local area and there are alternative engineering solutions that would overcome the conflict between the tree's root system and adjacent structures and enable its retention.

The Team Leader referred to the officer's recommendation for refusal based on the aforementioned reasons, however it was advised that if Members are minded to approve the removal of the sycamore tree contrary to the officer's recommendation, it was asked that consideration be given to the imposition of a condition that would secure the planting of a suitable replacement tree within the site but not necessarily in the same location.

At this juncture, the Applicant, Mr. D. Phillips addressed the Committee. Mr. Phillips noted the report provided and asked if the Committee had seen all photographs provided along with the full planning application. Mr. Phillips felt that some of the photographs did not show the full extent of damage to the wall and the photographs to which he referred highlighted significant damage. Mr. Phillips also asked if Members had been furnished with Protected Trees Document which was a document published by Welsh Government. Mr. Phillips further outlined sections of the Protected Trees document for Members information and asked who would decide that a tree had 'significant' impact on the area as Mr. Phillips felt that the removal of this tree would not have significant impact on the area. In his opinion the heras fencing and unsightly wall would have far more detrimental impact in the area.

Mr. Phillips also referred to another section of the policy which stated 'when does the Local Authority impose a TPO' and advised that when the property was purchased in 2008 there was no TPO on the tree and works commenced to remove the tree due damage, however an officer turned up to place a TPO on tree. All correspondence in relation to the decision to place a TPO on the tree had been sent to the wrong address.

Mr. Phillips further noted another section of the policy which stated that planning permission was not required for a tree with a TPO if it was dangerous, dying or dead. It was also noted that if a tree was causing a legal nuisance it could be removed and Mr. Phillips thereupon referred to discussions with British Telecom and Welsh Water as the tree was causing issues with the sewer.

Mr Phillips also referred to works he had undertaken on tree and compensation which he could be eligible for these works as per the policy and advice had been sought from solicitor. Mr. Phillips added that he had asked to purchase parts of land around his property and works had been undertaken at his cost around the wall.

Mr. Phillips informed the Committee that a tree with a TPO had been removed from a property own by United Welsh in the area and no issues were raised. It was also reported that Mr. Phillips felt that the TPO on his property did not legally stand as the TPO actually covered his tree and one on a neighbouring property, whereas a TPO could not cover both trees.

At the invitation of the Chair, the Ward Member noted the comments made by Mr. Phillips and concurred that Welsh Water had frequented the area in relation to sewer issues. The Ward Member felt that there were a number of trees in the vicinity and it was important that as a Council we ensure residents are permitted to protect their properties. Therefore, the Ward Member proposed that the Applicant be allowed to remove the tree due to the damage caused by the tree.

The Ward Member felt that there were already visible issues caused by the tree which would continue with further growth of the roots.

The Chair invited Members of the Committee at this juncture. Members concurred with the Ward Member that the tree should be removed and another tree planted in its place. However, some Members raised concerns that the full report to consider alternative engineering solutions in relation to damage had not been presented. It was hoped that in light of comments made by the Arboricultural Officer that all options had been explored.

The Vice-Chair proposed that the tree be removed and a new tree be planted, this proposal was seconded.

Therefore, upon a vote being taken 9 voted in favour of the amendment and 1 voted in favour of the officer's recommendation. It was thereupon,

RESOLVED that Planning permission be **GRANTED** and another tree be planted to replace the one to be removed.

The Chair did not exercise his vote.

C/2021/0103

Former Job Centre, Coronation Street,

Tredegar NP22 3RJ

Conversion of former offices into 11 rooms bed & breakfast facility with residential unit, associated parking provision; with internal & external alterations & decking

The Planning Officer informed the Committee that the application sought planning permission for the conversion of the former Job Centre, Coronation Street, Tredegar to an eleven room bed and breakfast facility with residential unit, associated parking provision, internal and external alterations and decking area.

The building was a single storey brick faced building located to the north of Tredegar Fire Station which was situated in Tredegar Conservation Area and east of the town centre.

The Planning Officer added that the plans indicated that the building would provide 11 en-suite guest rooms and a 3 bedroom manager's accommodation. There would be decking along the north eastern elevation overlooking the existing public car park and eight car parking spaces are proposed on land to the north of the building.

The Planning Officer referred to the consultation responses as detailed in the report and gave an overview of the planning assessment of the site in relation to compatibility of use, impact on amenity, visual impact, parking provision, trees, biodiversity and third party objections. In terms of the third party objections, the Planning Officer noted the objections received and advised that the proposal was for a B & B use which fell within Class C1 as defined by the Town and Country Planning Use Classes Order. This use was considered compatible in this location. The need for such a facility was not a consideration in planning terms, market forces would determine whether such a facility was required. The Planning Officer noted that it had been suggested that the B & B would be used as a facility to house ex-offenders. However, it was reported that if this was the case it would fall under a different use class and further planning permission would be required.

These concerns could not be used to form the basis of consideration of this application and therefore the Planning Officer advised that the conversion of the building for use as a B & B was acceptable in planning terms and recommended that the application be granted.

The Chair advised that Tredegar Central and West Ward Members had submitted a request to speak at Committee against this application. At the invitation of the Chair, Councillors S. Thomas, H. Trollope and M. Moore addressed the Committee.

Councillor Thomas wanted to inform the Committee that this was not a negative response from local Members as in the past work had been undertaken with the probation service and other similar facilities. It was reported that Tredegar had a difficult summer with a similar facility in the Town Centre which had been turned into a HMO/half way house. There had been a number of complaints from local residents and businesses who have reported some alarming situations. It was reported that Ward Members had worked with businesses and the local Police in an attempt to address these major anti-social behaviour issues.

Councillor Thomas referred to section 5.11 of the report which stated that it had been suggested that the B&B would be used as a facility to house ex-offenders. Although this falls under a different category, there was a loop hole in the application for a B&B to establish a HMO/halfway house and these were concerns shared by businesses and local Police as it had happened with the facility in the Town Centre. Councillor Thomas referred to the significant amount of regeneration money spent in the Town Centre which was all good work, however the issues experienced during the summer have left a number of businesses looking to move away from the Town Centre and if this was to happen it would be detrimental to the Town Centre.

Councillor Thomas further referred the developer who had a similar building in Merthyr Tydfil which housed residents from Social Services. In terms of planning considerations, Councillor Thomas felt that if this application was granted the community impact for Tredegar would be significant. It was hoped that based on the aforementioned statement in section 5.11 of the report that the Committee would be minded to refuse this application. It was added that if a developer wanted to seek permission for such a facility further planning should be required to allow local people, businesses, Ward Members, the Police and other consultees an opportunity to scrutinise the application and give the appropriate responses.

Councillor Trollope concurred with the comments raised by his Ward Colleague and added that the reason for the concern was that the facility in the Town Centre was also registered as a B&B. However, the Member was unaware of any other B&B's in the area which had 24-hour security. The Ward Member referred to the lack of comments from the Police, although in a recent meeting with Ward Members the Inspector had major concerns as the accommodation within the Town Centre caused a great deal of problems for the Police and Tredegar Police had applied for more resources to assist with the issues in Tredegar. If the request was unsuccessful then Police would need to be transferred from other areas as the anti-social behaviour in the Town Centre had increased greatly.

Councillor Trollope referred to the lack of response from Tredegar Town Council and advised that comments had been made on the original application. It therefore assumed that those comments would be included in this application, although this was not the case and the Councillor apologised for the error which would not happen again. Councillor Trollope stated that Tredegar Town Council shared the same concerns as myself and my Ward Colleagues.

In terms of planning considerations, Councillor Trollope advised that planning should give regard to the impact on the public. As local Members we are concerned when residents and businesses are thinking of moving from the Town Centre, therefore it was important that we need to protect our communities.

Councillor Moore also concurred with her Ward Colleagues and felt that the size of the building could only be classed as a large guest house and noted concerns that the B&B would be situated in the conservation area of Tredegar.

Councillor Moore noted the error due to the lack of response from the Town Council, however they had responded on the original proposal. There was no response from the Police, however all local Ward Members had submitted objections, although this had not been recorded.

The anti-social behaviour experienced in the Town Centre was threatening the livelihood of businesses and local business owners had stated on many occasions that they would leave the Town Centre. A great deal of Welsh Government and Council funding had been used to enhance Tredegar Town Centre and the Ward Member felt that this development would be detrimental to the area.

The Chair invited Members of the Committee to speak to the application.

Councillor Willis, a Member of the Tredegar Central and West Ward who sat on the Planning, Regulatory and Licensing Committee concurred with his colleagues and proposed that the application be refused for the reasons raised.

The Vice-Chair referred to the concerns raised by the Ward Members it was requested that the application be deferred until there was more information available. The Vice-Chair advised that he was uncomfortable accepting an application where the Police had major concerns, however had not commented on the application. It was acknowledged that the Ward Members are the people who know their area and with their comments in mind, the Vice-Chair reiterated that the planning application be deferred until further information was available.

Councillor Thomas, Ward Member advised that the Police had not been able to comment as the application was for a B&B therefore the Police would not respond as there was no material objections that could be made.

A Member concurred with the comments raised by Ward Members and the reasons for refusing the application. The Member also raised concerns around the car parking provision and Tredegar Town Centre had issues with car parking. The application proposed 8 spaces for 11 rooms and if there was full occupancy there would be an overflow which would place pressure on the local area.

The Chair disagreed with the comments raised in relation to car parking issues as there was a car park nearby.

Another Member agreed with the comments raised in relation to car parking and also felt it was not viable. The additional car parking could bring problems for the Fire Station and the Member felt that a 'holiday accommodation' was not suitable next to a Fire Station. The Member proposed that the application be refused on the unsuitable location, car parking provision and highways.

The Team Manager – Built Environment noted the comments raised in relation to parking and advised that the Highway Authority had not objected as it complied with the SPG. It was noted that there were two existing car parking spaces to the front and if there was any overflow it would be picked up by the rear car park.

A Member raised concerns around the suitability of the building and felt that it would be used as a HMO which was unacceptable in a conservation area. The Member felt that visitors would not stay in this building. As the Ward Members pointed out there was a similar facility in the Town Centre and this building did not have further planning to operate as a HMO. The Ward Member referred to the concerns experienced in the Town Centre and it was felt that the Member could not ignore these issues and therefore proposed that the application be refused as Elected Members should not ignore local residents and businesses concerns.

The Committee further discussed the application and concerns were raised around the lack of response from the Police, Fire Authority and Town Council. Although, Members also had concerns about granting the application.

An Officer reminded Members that the application for consideration was for a B&B and it was an assumption it would be used for something different. A hostel or HMO would be a different class, however this was not ex-offenders facility or HMO and therefore Members should be mindful of the application as it was presented. The officer also noted that conditions could be imposed to ensure the property remained as a B&B and could not move to another use within the same useclass without planning permission and that a condition could be imposed to limit the amount of days people could stay at the property in any visit.

Councillor Thomas reiterated the loop hole for the B&B and if it was a HMO it would come under more scrutiny. The facility in the Town Centre was established under a B&B and the reason for no comments from our partners was that the application was being put forward as a B&B. Councillor Thomas felt that it was for Ward Members to bring the concerns of the community forward for committee to give consideration.

Councillor Thomas appreciated the Officer's suggestions of conditions which could be placed on the application. However, if restrictions were to be placed on the facility it would not guarantee certain activities being prevented as the matter was something that needed to be addressed nationally. Councillor Thomas proposed that the application be refused in the interest of the community impact.

The Chair stated that community impact was not a planning consideration. A Member felt that community impact was a fair assessment of the concerns and that proposed that it be the reason for refusal.

The Team Manager – Development Management appreciated the difficult situation this application placed on the Committee. She noted their concerns regarding the lack of responses from consultees who may not have commented due to the nature of the application. She advised that it was evident that the same issue was being faced by the Planning Committee.

The Ward Member referred to a matter related to a similar facility in the Town Centre, who may use the building and the applicant's business in another authority. However, the decision should not take into account the applicant, the decision should be based on the application land being considered.

The Team Manager advised that if this application was refused, it would be very unlikely that the decision could be defended successfully at appeal. Therefore, the Team Manager suggested that the issue of community impact be considered and a further report be presented at the next Committee. The impact the development may have on businesses and the conservation area could be explored. The Team Manager added that parking was not going to be a sustainable reason for refusal as the Highway Authority had not objected to the parking layout. The Team Manager advised Committee that she considered it likely that despite further investigation of the issues raised by them it was likely that if the application was refused for these matters the development may well be granted at appeal.

This suggestion was welcomed by Members and the Ward Member asked that the possibility of imposing conditions on the facility should also be explored. The Ward Member added that although an appropriate planning reason was required it was felt that Ward Members should have a voice on such applications as Ward Members are best placed to be aware of local concerns.

The Team Manager – Development Management agreed to come back to the next meeting with a report which explored possible reasons for refusal. She advised that the issues they had raised were not unique to Blaenau Gwent however unless National planning legislation was amended it would be difficult to justify refusal of the application for the reasons cited by Members. Therefore, the reasons given by the Authority had to be justifiable on planning grounds until planning policy changed nationally.

It was proposed that the application be deferred until the next Meeting in order for consideration to be given to community impact and considerations relating to the planning permission granted and the current use of the Chambers, Tredegar to ensure this development did not bring further anti-social behaviour to Tredegar Town Centre. Members also requested that conditions be explored to include on the application if the application was agreed at the next meeting. This proposal was seconded and it was thereupon

RESOLVED that Planning permission be **DEFERRED** to the next Planning, Regulatory and General Licensing Committee.

C/2021/0197

Former Pochin Works Site Newport Road Tredegar

Variation of condition '1' which requires submission of reserved matters within 3 years of planning permission application

C/2014/0238 to allow additional time for

submission. C/2014/0238: Outline planning permission for construction of dwellings

The Team Manager – Development Management advised that outline planning permission with all matters reserved was originally granted in 2017 for the construction of dwellings of the former Pochin Works Site. The original permission was approved subject to conditions and the completion of a S106 agreement. The S106 contained obligations to secure a sum towards the provision of affordable housing and the Team Manager pointed out that the current application did not propose any changes to the scheme to develop the site for residential purposes. The application only sought to vary condition 1 of the approved outline planning permission to allow further time from the date of approval for the submission of the reserved matters and consequently extend the life of the outline planning permission.

The Team Manager noted issues that had been experienced on site since the original approval which explained the need to extend the life of the permission. She advised that there have been no significant changes in local or national policy since planning permission was previously approved in 2017. Therefore, the Team Manager advised that the proposed development was in accordance with relevant LDP policies. The approval of this application would facilitate the delivery of this site and was to be welcomed. There are no planning concerns in relation to the approval of this application and the Team Manager advised that the only reason for it being reported to Planning Committee was that any approval would require the applicant to enter a deed of variation in relation to the previously signed Section 106 agreement. The current officer delegation agreement did not allow for officers to issue such decisions without reference to Planning Committee.

A Member raised concerns in relation to the length of time this project had been ongoing and agreed with the extension of time. However, the Member felt that officers from Environmental Health and Planning should visit the site as there was a great deal of flytipping instances.

The Team Manager noted the request, however the Officer reminded the Member of the staff shortages and could not guarantee when the visit would be made.

It was unanimously,

RESOLVED that the applicant be invited to enter into a deed of variation to the S106 relative to the planning approval C/2014/0238. Following the completion of the aforementioned outline planning permission be **GRANTED** subject to conditions.

<p>No. 5</p>	<p><u>APPEALS, CONSULTATIONS AND DNS UPDATE SEPTEMBER 2021</u></p> <p>Consideration was given to the report of the Service Manager – Development & Estates.</p> <p>RESOLVED that the report be accepted and the information contained therein be noted.</p>	
<p>No. 6</p>	<p><u>ENFORCEMENT APPEAL UPDATE: 1 HAWTHORNE GLADE, TANGLEWOOD, BLAINA</u></p> <p>Consideration was given to the report of the Planning Officer.</p> <p>RESOLVED that the report be accepted and the appeal decision be noted.</p>	
<p>No. 7</p>	<p><u>PLANNING APPEAL UPDATE: LAND REAR OF NEWALL STREET, ABERTILLERY</u></p> <p>Consideration was given to the report of the Planning Officer.</p> <p>RESOLVED that the report be accepted and the appeal decision for planning application C/2021/0033 be noted</p>	
<p>No. 8</p>	<p><u>LIST OF APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 12TH JULY 2021 AND 20TH AUGUST 2021</u></p> <p>Consideration was given to the report of the Senior Business Support Officer.</p> <p>A Member noted the amount of applications decided under delegated powers between 25th May, 2021 and 7th July, 2021 and wished to extend thanks to the officers responsible. It had been reported that there were capacity issues within the Planning Team which placed limitations on staff, however the Member felt that the completion of 47 applications during this period was a credit to the Council.</p> <p>RESOLVED that the report be accepted and the information contained therein be noted.</p>	