

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE CHAIR AND MEMBERS OF THE COUNCIL

**SUBJECT PLANNING, REGULATORY &
GENERAL LICENSING COMMITTEE –
11TH JUNE, 2021**

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: COUNCILLOR D. HANCOCK (CHAIR)

Councillors W. Hodgins

D. Bevan

M. Day

G.L. Davies

J. Hill

C. Meredith

K. Pritchard

K. Rowson

T. Smith

B. Thomas

G. Thomas

B. Willis

L. Winnett

D. Wilkshire

**WITH: Team Manager – Development Management
Planning Officer
Head of Legal and Corporate Compliance
Solicitor**

**AND: Mr S. Millard, Objector - C/2021/0023
39 Brecon Heights, Victoria, Ebbw Vale
Retention of summer house in rear garden**

Councillor M. Day, Ward Member, Objector -
C/2020/0246 - 5 Fairview Terrace, Tillery Road,
Abertillery, NP13 1JD - Retention of balcony and
canopy over single storey rear extension, French doors
and installation of CCTV system comprising 3 cameras
to front and 3 cameras to the rear

Councillor D. Bevan, Ward Member, Objector -
C/2021/0023 - 39 Brecon Heights, Victoria, Ebbw Vale
Retention of summer house in rear garden

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
No. 1	<u>SIMULTANEOUS TRANSLATION</u> It was noted that no requests had been received for the simultaneous translation service.	
No. 2	<u>APOLOGIES</u> No apologies for absence were received.	
No. 3	<u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u> The following declarations of interest were raised:- <u>Councillor Derrick Bevan</u> Item No 4 – Planning Applications Report C/2021/0023 - 39 Brecon Heights, Victoria, Ebbw Vale Retention of summer house in rear garden <u>Councillor Malcolm Day</u> Item No 4 – Planning Applications Report C/2020/0246 - 5 Fairview Terrace, Tillery Road, Abertillery, NP13 1JD - Retention of balcony and canopy over single storey rear extension, French doors and installation of CCTV system comprising 3 cameras to front and 3 cameras to the rear	

No. 4

PLANNING APPLICATIONS REPORT

C/2020/0246

5 Fairview Terrace, Tillery Road, Abertillery, NP13 1JD

Retention of balcony and canopy over single storey rear extension, French doors and installation of CCTV system comprising 3 cameras to front and 3 cameras to the rear

The Team Manager – Development Management advised that Planning permission was sought to retain a balcony and French doors to the rear of the property together with the installation of a retractable canopy over. The application also sought to retain 6 CCTV cameras 3 to the front and 3 to the rear of the dwelling. The Team Manager provided an overview of the planning application with the assistance of photographs. It was noted that there were no issues raised by external consultees, however the Team Manager outlined the key responses to resident complaints.

The Team Manager further spoke to the report and outlined the planning assessment in terms of balcony, French doors, canopy and CCTV. The Team Manager referred to the objections received in respect of the construction and finishes of the balcony and reminded Members that planning does not control the workmanship of a development. These compliance elements would be regulated by Building Control to ensure the safe and satisfactory construction of the balcony. In terms of the finishes, the materials submitted with the application stated that the balcony was a timber construction which would be clad and rendered and painted grey which was considered to be acceptable. The applicant confirmed his intention to complete the works in line with the schedule. A condition could be imposed which required the works to be completed in accordance with the schedule within a 6-month period.

In terms of impact, there would be overlooking however this would be no difference in the view had from the windows. Therefore, the Team Manager recommended the condition be imposed that would require a privacy screen and the balcony be built with the appropriate materials in order to protect the neighbouring amenity.

The Team Manager further noted concerns raised in relation to the six camera units installed around the property and reminded Members that the planning merits of the case are restricted to the physical appearance of the cameras and the visual impact they have on the host building. The content of what would be recorded and how that data was handled was not a material planning consideration. The recording of data via CCTV was regulated by the Information Commissioner's Office which regulated and enforced the General Data Protection Regulation and the Data Protection Act 2018. With regard to an objector's comment regarding RIPA (The Regulation of Investigatory Powers Act 2000), the Team Manager also pointed out that this was not a planning matter and the RIPA Act referred to the regulation of how public bodies carried out surveillance and does not relate to domestic CCTV.

The Team Manager noted the three cameras to the front of the property and stated that this could be seen as excessive, however due to their size and the placing of the white camera on the front of property painted white, the cameras did not stand out. Therefore, the Team Manager felt that the appearance of the cameras would not have a detrimental impact upon the street scene.

In conclusion, the Team Manager noted the officer's recommendation for approval of the application with associated conditions.

At this juncture, the Chair invited Councillor M. Day, Ward Member to address the Committee.

The Ward Member reported that he had received a number of complaints from residents in relation to the positioning of the CCTV cameras and the balcony in terms of loss of privacy.

There were great concerns from residents that their privacy would be invaded, the Ward Member appreciated that these concerns are not for consideration by the Planning Committee, however, the Ward Member felt it was important that the Committee was aware that the position of CCTV cameras was unacceptable and faced bedrooms of the opposite homes. The Ward Member strongly felt that if this could not be considered by the Planning Committee, it should be to addressed by the Council.

In terms of the building regulations, the Ward Member referred to the balcony and the concerns raised in relation to the structure and loss of privacy as it overlooked properties at the rear of the building. The Ward Member had hoped that the development had been built to the appropriate building specification and that the appropriate checks would be undertaken to ensure it did not pose a risk to neighbouring properties and residents.

The Team Manager – Development Management reiterated that CCTV was the responsibility of the Information Commissioner’s Office which regulated and enforced the General Data Protection Regulation and the Data Protection Act 2018. Therefore, the Team Manager advised that any concerns should be taken up with the Commissioner’s Office.

The Team Manager advised that building regulations was a separate to the Planning Department and in most cases planning permission would be sought in the first instance. The Team Manager added that the Planning Team would ensure colleagues in Building Control followed up on this development.

Upon a vote being taken it was unanimously

RESOLVED that planning permission be **GRANTED.**

Councillor Malcolm Day abstained from taking part in the vote.

C/2021/0023

39 Brecon Heights, Victoria, Ebbw Vale

Retention of summer house in rear garden

The Team Manager – Development Management reported that the application site was a detached residential property located on a housing site on the former Garden Festival site at Victoria. The property was surrounded by residential properties enjoys a small open plan garden at the front and an enclosed garden to the rear. The Team Manager gave details of the application with the assistance of visual aids.

The Team Manager advised that the main issue with the application was the height of the summer house. The summerhouse was an irregular shape having been constructed to accord with the configuration of the plot. It was 5.4m maximum in depth. The front elevation, facing the garden, was 6.4m wide whilst the rear elevation was 7.5m. At the highest point above original ground level the building measures 2.8 m. The Team Manager pointed out that if the summerhouse had been 2.5m or less it would not have required planning permission. The summerhouse had been constructed off concrete pads and a timber framework due to uneven garden levels. The height of this base had been included in the measurements of the overall height of the structure.

The Team Manager outlined the consultation responses and advised that a Ward Member on the Planning Committee had also requested that the application be presented to the Committee due to concerns over the visual effect of the development owing to its height and close proximity to neighbouring properties.

The Team Manager further spoke to the report and outlined the key points in relation to procedural matters, assessment, siting, scale and appearance. The Team Manager reiterated that whilst the building exceeds permitted development limits by approximately 300mm, this was not itself a reason to justify refusal of the application.

The Team Manager referred the Committee to the photographs contained in the report which showed the height difference between what could be erected in this location without planning permission in comparison to the structure which the applicant now sought permission to be retained. All these factors had been taken into consideration and the Team Manager felt that the scale and appearance of the building was acceptable. It was not unusual for buildings to be placed in gardens on a housing estate and the development in this instance was not one that blocked what might have otherwise been an open outlook.

The Team Manager referred to the complaint made in relation to the time taken to investigate the initial complaint. She advised that the method of investigation are procedural matters that should not prejudice the consideration of this application. These issues have already been addressed as a separate matter in accordance with the Council's Corporate Complaints procedure.

In conclusion, the Team Manager advised that the application sought permission to retain an outbuilding that provided amenity space for residents to enhance their enjoyment of their property. The building was of a size, scale and appearance that was acceptable in the context of the host dwelling and its wider surroundings. The siting and design did not raise any issues of overlooking nor cause unacceptable overbearing or visual impacts on the occupiers of nearby residential properties. Therefore, the officer's recommendation was for planning permission to be granted, subject to conditions detailed in the report.

At this juncture, the Chair invited the public speaker, Mr. Millard to address the Committee.

Mr. Millard wished to bring this planning application to the attention of the Planning Committee as the matter had been ongoing for 14 months. The concerns of neighbours had been the height, size, close proximity and overbearing to neighbouring gardens as well as the quality of the material finish. The main objection of residents was due to the visual impact which was the initial reaction of officers and councillors who had visited the site.

The officer's opinions differ completely as to what was acceptable and Mr. Millard felt that the length of time it had taken to bring this to Committee was concerning. In the opinion of the neighbours the height was too great for the setting, there was no need for a platform and the developers mistake should be made clearer. The substantial width targets one garden and was the whole width of the neighbours' garden. The cladding had been out of character and unsympathetic to the area. The plans had been changed and the standard of finish was also a worry to residents. The cladding had been badly tacked and the loose rubber sheeting was unacceptable. The summerhouse looked good from the developer's side, however was not the same for neighbours in the surrounding properties. The development had resulted in a substantial reduction to the outlook of Mr. Morgan's property and had a considerable impact on his mental health and enjoyment of garden during the pandemic. During the pandemic, Mr. Millard stated that we were encouraged to use our gardens our mental health and wellbeing, for those of us lucky enough to have one.

Mr. Millard also felt that the pandemic was used as an excuse not to visit the site. There had been no enforcement action taken and the 28 days deadline had expired last August. It was felt that the report focused more on disproving the objections than actual planning facts and Mr. Millard felt the information in the report was misleading. The height of the summer house should not be dismissed as it was only 300mm over the permitted height. The development was unacceptable and not within keeping of its surroundings. The permissible limits exist to represent what was nationally acceptable and anything greater was deemed unacceptable. The opinions of the officer favoured certain views and did not match the opinions of neighbours and it was important that the impact on neighbours, particularly Mr. Morgan should not be dismissed.

The Vice-Chair asked Mr. Millard to retract statements made in relation to favouritism and the time taken to address the complaint be withdrawn. The Vice-Chair stated that the Authority was dealing with an emergency response to a global pandemic and many members of staff had been seconded to assist this response.

The Chair invited the Ward Member to address the Committee.

The Ward Member noted the response time and stated that although there was a global pandemic, a 14-month delay was excessive. The Ward Member felt that the photographs presented by officers in the report did not give a fair understanding of the impact on neighbouring properties and therefore proposed a site meeting in order for the Committee to see the development.

The proposal for the site meeting was seconded.

The Chair advised that a number of officers within the Authority had been seconded to other jobs in order to assist with the emergency response to the pandemic, therefore all Departments across the Council was stretched in terms of staffing resources during this period.

The Team Manager referred to the concern raised in relation to the length of time taken to address the complaint. The complaint was received just after the first lockdown and was dealt with as soon as officers were in a position to go on site visits and the owner was given the opportunity to submit a planning application, however this was not submitted until January 2021. In response to the complaint being referred to the Ombudsman, the Team Manager advised that comprehensive letters had been sent via the corporate complaints process. It was informed that there was a number of staff from within the team who had been seconded to deal with the emergency response, however, the Team Manager accepted that there had been a further delay in the application being presented to Committee which had been due to the sickness absence of the initially selected case officer. There was a number of photographs presented in this instance which should enable the Committee to make a decision in this case without going to the site.

A Member noted the permitted height and felt that the development would be just as intrusive if the height was 300mm less in line with the acceptable height.

Another Ward Member felt officers had done a good job during the pandemic in assisting with the emergency response and continuing the daily business to the best of their ability. However, the Ward Member concurred with his colleague in relation to a site meeting and another Member felt that in this instance it would be beneficial.

Councillor D. Wilkshire left the meeting at this juncture.

A Member supported the officer's recommendation, this was seconded.

A Ward Member proposed a site meeting be held in order for the Committee to see the development and its impact on neighbours, this proposal was seconded.

Councillor Derrick Bevan voted in favour of the site meeting.

Therefore, upon a vote being taken 7 voted in favour of the amendment and 7 voted in favour of the officer's recommendation, the Chair exercised his casting vote and voted in favour of the officer's recommendation. It was thereupon,

RESOLVED that planning permission be **GRANTED**.

No. 5

**APPEALS, CONSULTATIONS AND DNS UPDATE:
JUNE 2021**

Consideration was given to the report of the Service Manager – Development & Estates.

The Team Manager – Development Manager noted the report and advised that a decision had now been received in relation to land at the rear of Park Hill, Tredegar. The appeal was dismissed and the full report would be presented to the next Planning Committee for consideration.

RESOLVED that the report be accepted and the information contained therein be noted.

<p>No. 6</p>	<p><u>PLANNING APPEAL UPDATE: 1 MEDHURST COURT, FARM ROAD, NANTYGLO</u></p> <p>Consideration was given to the report of the Planning Officer.</p> <p>The Team Manager advised that the report outlined the decision of the Planning Inspectorate in respect of a planning appeal against the refusal of planning permission for 1 Medhurst Court, Farm Road, Nantyglo. The Inspector was of the view that the proposed garage would be readily visible from several viewpoints in Farm Road and its siting and bulk would appear incongruous and would harm the character and appearance of the area, therefore the Inspector DISMISSED the appeal.</p> <p>The Ward Member welcomed the decision of the Inspector.</p> <p>RESOLVED that the report be accepted and the appeal decision be noted for planning application C/2020/0202 as outlined in Appendix 1 of the report.</p>	
<p>No. 7</p>	<p><u>LIST OF APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 22nd MARCH, 2021 – 24th MAY, 2021</u></p> <p>Consideration was given to the report of the Senior Business Support Officer.</p> <p>RESOLVED that the report be accepted and the information contained therein be noted.</p>	
<p>No. 8</p>	<p><u>QUARTERLY PERFORMANCE INFORMATION QUARTER 3: OCTOBER – DECEMBER 2020</u></p> <p>Consideration was given to the report of the Service Manager Development and Estates.</p> <p>The Team Manager – Development Management provided an overview of the report and advised that in terms of performance information the Council had decided 98% of all applications within an 8-week target. This compared to a Welsh average of 81%.</p>	

	<p>The average number of days taken to determine an application was 74 days from registration to decision set against a Wales average of 89 days. This figure had increased recently, however this was due to the significant increase in the amount of work the Department was dealing with at present. In terms of decisions made, 25% of Planning Committee decisions were made contrary to the officer recommendation. This compared Blaenau Gwent to an all Wales average of 7%.</p> <p>The Team Manager added that the Department was struggling at the moment in terms of workload and it was felt that this would be the best report that would be seen for a while. There had been a significant increase in applications since January 2021 and teams had been reduced to sickness absence and a member of staff had recently left the Authority. The Team Manager also reported that there had been IT issues at the start of the year which had caused disruption in validating planning applications. It was with these factors in mind that a decision was taken to seek an external provider and someone had been appointed to have a batch of planning applications to assist with the workload over a 3-month period. The Team Manager advised that this situation would be monitored to ascertain if the supported was required for more than the initial 3 months.</p> <p>A Member welcomed the proactive approach being taken by the Department to assist with the workload at the present time. The Vice-Chair concurred with the comments made and felt it was important that no further pressure was put on current staff.</p> <p>The Member of the Planning Committee welcomed the report and felt the Department had done a good job under extreme pressure of the pandemic.</p> <p>RESOLVED that the report be accepted and the information contained therein be noted.</p>	
<p>No. 9</p>	<p><u>TIME OF FUTURE MEETINGS</u></p> <p>RESOLVED that future meetings be held at 2.00 p.m.</p>	

No. 10 **ENFORCEMENT CLOSED CASES BETWEEN**
27TH MARCH, 2021 TO 24TH MAY, 2021

Having regard to the views expressed by the Proper Officer regarding the public interest test, that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and that the report should be exempt.

RESOLVED that the public be excluded whilst this item of business is transacted as it is likely there would be a disclosure of exempt information as defined in Paragraph 12, Schedule 12A of the Local Government Act 1972 (as amended).

Consideration was given to the report of the Service Manager Development & Estates.

RESOLVED that the report which contained information relating to a particular individual be accepted and the information contained therein be noted.