

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE CHAIR AND MEMBERS OF THE COUNCIL

**SUBJECT PLANNING, REGULATORY &
GENERAL LICENSING COMMITTEE –
3RD FEBRUARY, 2022**

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: COUNCILLOR D. HANCOCK (CHAIR)

Councillors W. Hodgins (Vice-Chair)

D. Bevan

M. Day

J. Hill

C. Meredith

K. Pritchard

B. Thomas

G. Thomas

T. Smith

L. Winnett

B. Willis

D. Wilkshire

WITH: Service Manager Development & Estates
Team Manager Development Management
Team Leader Development Management
Team Manager - Built Environment
Planning Officer
Solicitor

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>
	<p><u>RETIREMENT</u></p> <p>The Chair informed the Committee that Lesley Taylor (Planning Officer) would be retiring and expressed thanks for her service and support provided over the years.</p> <p>The Committee echoed the comments raised by the Chair and wished the Planning Officer all the best for the future.</p>
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 from:-</p> <p>Councillor K. Rowson Councillor G. Davies</p>
No. 3	<p><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p> <p>The following declaration of interests were raised:-</p> <p>Clive Meredith <u>Item No. 4 Planning Report</u> <u>C/2021/0274</u> <u>Former Glyncoed Comprehensive School,</u> <u>(School Governor)</u></p> <p>Councillor D. Bevan <u>Item No. 4 – Planning Report</u> <u>C/2021/0253</u> <u>Premier Club, William Street, Cwm, Ebbw Vale</u></p>

	<p>Councillor J. Hill <u>Item No. 4 – Planning Report</u> <u>C/2021/0253</u> <u>Premier Club, William Street, Cwm, Ebbw Vale</u></p> <p>D Hancock <u>Item No. 4 – Planning Report</u> <u>C/2021/0253</u> <u>Premier Club, William Street, Cwm, Ebbw Vale</u></p> <p>The Members confirmed they would not take part in the voting process.</p>
No. 4	<p><u>PLANNING APPLICATIONS REPORT</u></p> <p><u>C/2021/0274</u> <u>Former Glyncoed Comprehensive School,</u> <u>Badminton Grove, Ebbw Vale, NP23 5UL</u> <u>New Primary School and Childcare Facility with External Play</u> <u>Areas, Recreational Spaces and Other Associated Infrastructure</u></p> <p>The Team Leader advised that the report sought planning permission to construct a new 360 place primary school and 52 place day nursery/childcare facility on the footprint of the former Glyncoed Comprehensive School. The proposed school would be a direct replacement of the existing Glyncoed Primary School which had fallen into a state of disrepair. The Team Leader noted that the School would provide a range of community and sport facilities which could be segregated from the main school. The application site was a parcel of brownfield land comprising a mixture of hardstanding and scrub which was relatively level with Badminton Grove.</p> <p>The Team Leader further outlined the application site with the assistance of the diagrams contained within the report.</p>

The Team Leader further spoke to the report and advised that access to the site would be from the existing vehicle access off Badminton Grove. The access and existing parking areas would be upgraded and extended to provide additional parking areas and a service area. In total 111 car parking spaces would be provided which included 40 that would be for the existing bowls centre. The remaining 71 spaces would be for staff and visitors. In addition to the aforementioned car parking provision there would be a 10-bay drop-off zone provided.

In terms of consultation, it was reported that there had been no objections had been received from consultees, although letter of objections from residents was outlined by the Team Leader.

The Team Leader referred to the principle of development as detailed in the report and advised that the site was a brownfield site that formerly housed a comprehensive school which was located within the Northern Strategy Area where there was a focus on regenerating the area. It was felt that the proposal would provide for a modern replacement school with improved facilities in line with the 21st Century Schools Programme. The Team Leader stated that the community use of the existing playing fields, games area, children's playground and existing accesses would not be compromised by the proposal.

A number of various layouts/designs had been considered prior to being presented to Committee and the Team Leader outlined the design of the building and materials to be used for the application. The Team Leader added that the design had been carefully considered to provide a harmonious transition from single storey at the front of the site rising to two storey building at the rear.

In terms of highways, the Team Leader advised that the submitted Transport Assessment concluded 'that the site, by virtue of its location and the opportunities for access by a variety of means of transport, was accessible, sustainable and in accordance with national, regional and local policy. The development would result in a negligible uplift in vehicle trips which could be accommodated on the local highway network. It was therefore concluded that the proposed development was acceptable in terms of highways and transport.'

The Team Leader acknowledged the comments raised by objectors in terms of potential congestion at peak times during school drop-off/pick-up times, however the Highway Authority raised no concerns in relation to the development in terms of both vehicular movements or parking provision. It was further pointed out that there was already a primary school located approximately 110m to the south of the site and as such the impact of the proposed replacement school was unlikely to exacerbate the current situation. The Team Leader also referred to the 10-bay drop off zone and felt that this would assist in level of on-street parking along with an existing drop off bay in the area.

The Team Leader noted the comments regarding inconsiderate and/or illegal parking, however it was stated that this was a matter for the Police and could not be controlled via the planning system.

The Team Leader continued to provide an overview of the report and referred to ground works submitted with the application which included remedial works. It was also noted that there was a low risk to flooding and although there was a high risk within the centre of the development for localised surface water flooding, re-profiling works would be undertaken to address these concerns. The Team Leader further provided a detailed overview of the landscaping to be undertaken as part of the application and outlined further key points contained in the report. In terms of the net zero carbon, it was reported that the start date for this initiative was the 1st January 2022, therefore was not relative to this proposal as the application was already in the system.

The Team Leader concluded that the proposed replacement primary school with childcare facility was considered to be acceptable in land use terms. It was felt that the development 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 and therefore asked the Committee that the application be approved subject to conditions as detailed in the report.

At this juncture the Chair invited questions from Members.

A Member welcomed the development, however he raised concerns in relation parking/dropping off points as all schools experienced congestion during peak times. The Member felt that the dropping-off bay must only be used for that specific purpose and asked for assurances that the parking capacity was adequate.

It was stated that the Highways Department had input into the application and it was advised that there had been a comprehensive school in the location previously. The Team Manager – Built Environment advised that the ‘drop off’ zone which had been incorporated into the application provided an additional 10 spaces for dropping off. These parking spaces would be off the highway and controlled by the school. The Team Manager added that congestion was an issue for all schools, however there were traffic orders outside the school and there would be a formal pedestrian crossing provided. The Team Manager also stated that the car parking provision attached to the application complied with the SPG and was considered ample for all visitors and users.

The Vice-Chair concurred with the comments raised by a Member and welcomed the work being taken forward as part of the 21st Century Schools Programme. The Vice-Chair felt that the Highways Team had done a great deal of work to address traffic concerns.

In response to a question raised in relation a carbon neutral school, the Team Leader advised that there was not a requirement for this school to be a carbon neutral school as the business case had been approved prior to the 1st January, 2022 commencement date. It was added that new schools are in development for a number of years before they come to a planning application. However, this application had incorporated aspects of carbon neutral aspects into the application although there was not a necessity for these to be included.

Another Member welcomed the development and felt that new schools are needed within our communities. However, it was paramount for the safety of the children that the road was kept clear and the necessary traffic calming measures put in place to protect everyone using the school.

A Member proposed the Officer's recommendation. This was seconded and it was thereupon

RESOLVED that planning permission be **GRANTED**.

C/2021/0253

Premier Club, William Street, Cwm, Ebbw Vale

Conversion of ex social club into 2 no dormer bungalows

including removal of extensions and outbuildings, rebuilding of front elevation and increasing height of building to create upper floor and new roof structure

The Vice-Chair took the meeting at this juncture as the Chair declared an interest in this application.

The Planning Officer advised that the application sought approval of the conversion of the ex-social club into 2 dormer bungalows. In order to facilitate the application, the developer would need to removing existing front, side and rear annexes, rebuild the elevation fronting William Street, increase the height of existing walls and form a new pitched roof. A small porch would be constructed on the front elevation of each dwelling. There would be new windows installed at ground floor level and side elevations with dormer windows and roof lights installed in front and rear roof planes to serve the attic rooms. The dwellings would be finished in smooth painted render and the porches in grey bradstone.

The Planning Officer spoke further to the report and outlined the consultations undertaken and responses received. The Planning Officer informed Members that although no objections had been reported there had been concerns raised in relation to the mature trees directly adjacent to the development plot and the tarmac drive proposed in root zone of trees protected by a TPO. Therefore, it must be demonstrated how the development could be achieved without severing roots or compacting soil around tree roots. The Tree Survey must show trees in relation to design, demolition, construction and include tree categorisation and constraints. There was a need to demonstrate how the development could be achieved without loss/detrimental impact upon existing trees worthy of being retained and how these are to be protected during development.

The Planning Officer referred Members to the response received from Natural Resources Wales who stated that the planning application proposed a highly vulnerable development (housing). The Development Advice Map confirmed that the site lies within Zone C1 and Section 6 of TAN 15 required the LPA to determine whether the development at this location was justified.

The Planning Officer advised that upon notifying Ward Members that it was officer's intention to refuse planning permission under delegated powers on grounds of flood risk. A Ward Member requested that the application be presented to Committee on the basis that the building was in the middle of a street where the flood risk was no different to the other homes that have been there for many years and have never flooded.

The Planning Officer further outlined the planning policies as detailed in the report and reported that the Blaenau Gwent Local Development Plan (LDP) indicated that the proposed site was within the settlement boundary within which the development was generally permitted subject to policies in the Plan and other material considerations. The land was not subject to any designations or constraints according to the Local Development Plan Proposals Map. However, Natural Resources Wales (NRW) Development Advice Map (DAM) showed that the whole site was within Flood Zone C1 and the development proposal must therefore be considered in light of the requirements of Technical Advice Note (TAN) 15 Development and Flood Risk and Policy SP7 of the adopted Blaenau Gwent Local Development Plan. The Planning Officer stated that as a club the building was deemed to be a less vulnerable use, however, the proposed residential use was classed as highly vulnerable and therefore it must be justified and demonstrate that the development met the tests as outlined in the TAN. The Planning Officer informed Members that the application did not meet any of the tests and therefore the application could not be justified. It was felt that due to the concerns around flooding the application was not acceptable as it would be contrary to both national and local planning policies.

The Planning Officer outlined the key points in relation to landscaping, arboriculture and ecology.

In conclusion, the Planning Officer felt that the proposed development would, if planning permission was granted, bring a vacant building into beneficial use, and increase the housing stock of the local area. However, the proposed development conflicted with both local and national planning policies in terms of flood risk and therefore was deemed to be unacceptable. The approach taken for this application was consistent with the increasing importance placed on flood risk by the Welsh Government. There was also insufficient evidence to prove whether the development would impact on trees within the vicinity of the site.

Therefore, the Planning Officer stated that the officer's recommendation was that planning permission be refused.

A Member referred to the two main reasons for refusal in relation to trees and flooding. The Member asked what would need to be undertaken by the developer to address the concerns around the trees as the Member felt that this could be easily overcome. The Member stated that the main issue was in terms of the flood risk and further asked for an explanation in terms of a highly vulnerable use.

The Planning Officer advised that TAN15 categorises highly vulnerable developments for all residential developments which included hotels, caravan parks and public buildings. Therefore, these uses should not be permitted within these flood zones due to their vulnerability.

In relation to trees, the Planning Officer advised that if the applicant would need to submit a revised tree survey which gave adequate regard for the trees along the northern west boundary. The Planning Officer concurred that these issues could be overcome by careful excavation of the trees or the way in which the developer laid the driveway.

The Member further asked if there was any engineering works which could be undertaken to alleviate flooding. The Planning Officer could not comment on wider area and felt that these works should not be the responsibility of the developer. The Planning Officer reiterated that the application had been assessed as a highly vulnerable development and should not be permitted within this area.

Another Member referred to a previous application considered by the Committee which was similar in circumstances, however planning permission had been granted. The Member stated that there was already a building in place which the application sought to develop and there were other homes in the area which would be faced by similar risks.

The Planning Officer was unable to comment on previous applications and other buildings in the area. The relevant policies must be considered when new applications are received and therefore the Planning Officer stated that it was the view that planning permission should be refused due to the highly vulnerable nature of the proposed development and risk to the development of potential flooding.

The Planning Officer reiterated that current guidance and policies must be considered for all applications received, however if Members are minded to grant planning permission contrary to the Officer's recommendation a flood risk measure should be requested to protect future residents and this could be added as a condition along with a tree survey to protect the trees. Although, the Planning Officer stated that she was not advocating this course of action as it was the Officers opinion that the development was contrary to policy and therefore should be refused.

A Member reiterated the approval of previous applications which had been in similar positions near the river in Cwm which had been granted and stated that new homes in Blaenau Gwent should be supported. The Member thereupon proposed that the application be granted. This proposal was seconded.

Upon a vote being taken, 3 Members voted against the amendment and 6 Members voted in favour of the amendment. The Chair, Councillors D. Bevan and J. Hill abstained from voting. It was therefore

RESOLVED that planning permission be **GRANTED**.

<p>No. 5</p>	<p><u>DEED OF VARIATION OF S106 AGREEMENT OF PLANNING PERMISSION C/2010/0226 FOR THE ERECTION OF 40 AFFORDABLE HOMES WITH ASSOCIATED ACCESS, CAR PARKING, DRAINAGE, AND LANDSCAPING, TOGETHER WITH DEMOLITION OF EXISTING AND PROVISION OF A REPLACEMENT SCOUTS HALL AT FACTORY ROAD, BRYNMAWR</u></p> <p>Consideration was given to the report of the Team Manager Development.</p> <p>The Team Manager Development Management advised that the report sought approval for agreement to the “Deed of Variation” (DoV) to amend the s106 agreement which related to the residential development at Factory Road, Brynmawr. The Team Manager spoke to report and highlighted the key points of the report. The Team Manager referred the Committee to the recommendation and it was thereupon</p> <p>RESOLVED that the report be accepted and the principle of the Deed of Variation as set out in the report be approved. Also, the Planning Committee authorised officers to complete the agreement subject to suitably worded draft prepared by Melin.</p>
<p>No. 6</p>	<p><u>APPEALS, CONSULTATIONS AND DNS UPDATE: FEBRUARY 2022</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. 7</p>	<p><u>PLANNING APPEAL UPDATE:</u> <u>LAND ADJOINING WAUN DEW, BEAUFORT HILL,</u> <u>BEAUFORT, EBBW VALE</u></p> <p>Consideration was given to the report of the Planning Officer.</p> <p>The Service Manager Development Management referred to the report which related to a planning application refused in August. The Service Manager noted the reasons for refusal and the decision letter which was detailed in the Appendix. It was added that the Planning Inspector dismissed the appeal and therefore the Authority's decision for refusal had been upheld on this occasion.</p> <p>RESOLVED that the report be accepted and the appeal decision for planning application C/2021/0182 be noted for information.</p>
<p>No. 8</p>	<p><u>LIST OF APPLICATIONS DECIDED UNDER DELEGATED</u> <u>POWERS BETWEEN 16th DECEMBER, 2021 AND</u> <u>21st JANUARY, 2022</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>