

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	26th February 2024
Directorate	Regeneration & Community Services
Date of meeting	7th March 2024

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/2023/0087	Celtic Rose, Commercial Road, Llanhilleth, Abertillery NP13 2AE
3. Recommendation/s for Consideration	
Please refer to individual reports	

Planning Report

Application No: C/2023/0087	App Type: Outline
Applicant: Mr Simon Cleary Celtic Rose Commercial Road Llanhilleth Abertillery NP13 2AE	Agent: aj tech design Mr Jason Tadman 69 St Julians Road Newport NP19 7RU
Site Address: Celtic Rose, Commercial Road, Llanhilleth, Abertillery NP13 2AE	
Development: 9 New dwellings and access road	
Case Officer: Helen Hinton	

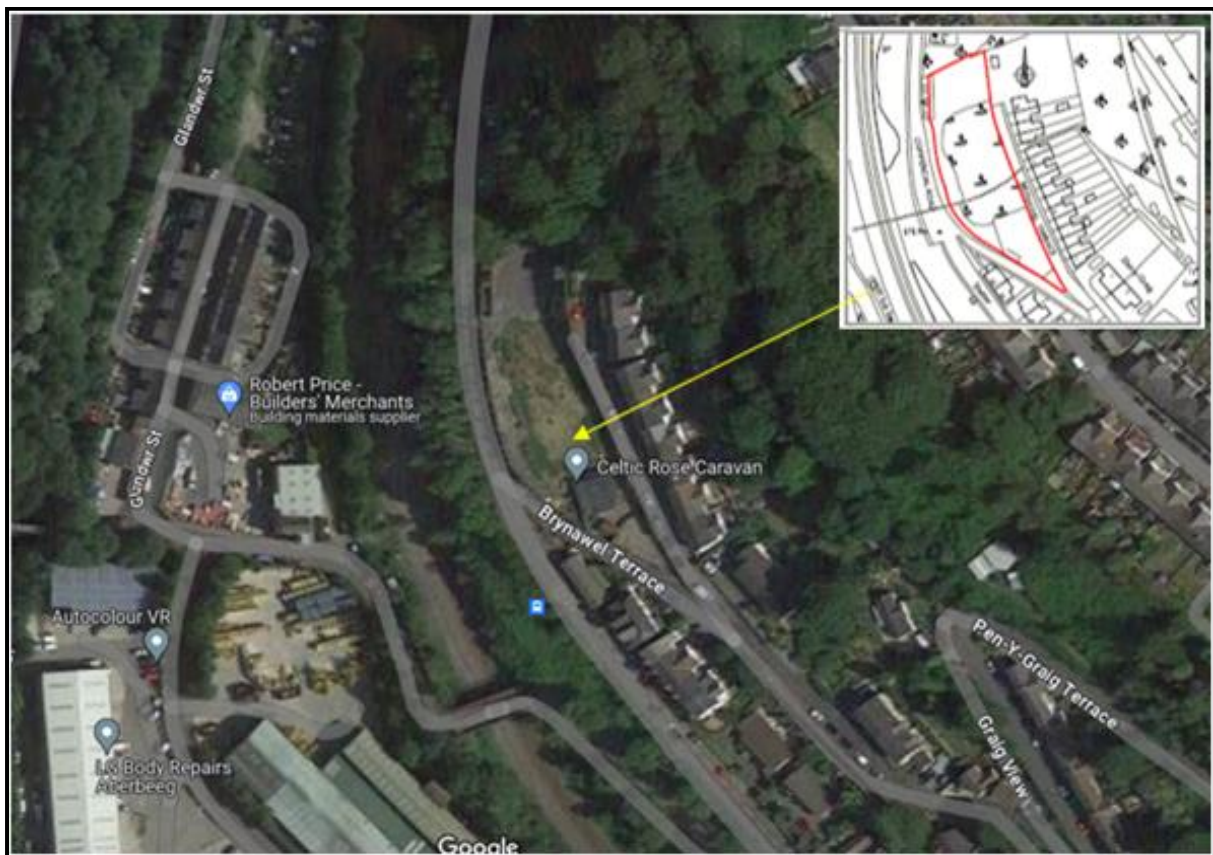


Figure 1. Google ariel image.

1.0 Background, Development and Site Context

1.1 This application seeks outline planning permission for the redevelopment of an area of land known as Celtic Rose (the site of the former Ty'r Graig Junior and Infant School site) Aberbeeg to provide nine residential dwellings.

1.2 Although the application initially sought outline consent will all matters reserved, following a review of the proposal and discussion with the Council's Highway Engineers, concerns were raised as to whether an access, compliant with current highway standards could be achieved to serve the proposal. As a result, notice was served on the applicant in compliance with Part 2, Paragraph 3(2) of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, requiring the submission of detailed access information for consideration as part of the current application.

1.3 Plans submitted now detail the provision of an 14m wide junction into the site, from the hill leading to Brynawel Terrace. The works will necessitate alterations to the existing retaining walls, provision of a new retaining wall on the northern side of the junction together with highway improvement works that include the provision of a pavement that would link with the existing pathway along the hill and Commercial Road. A 5m wide internal road would be provided within the eastern part of the site that would terminate in an on-site turning area in the northern part of the site.

1.4 Additionally, an indicative site layout plan has been submitted detailing how the dwellings with associated parking, garages and amenity areas could be accommodated within the site. The following scale parameters are proposed:

	Maximum	Minimum
Width	7.5m	5.5m
Length	10m	9.0m
Height	8.5m	8.0m

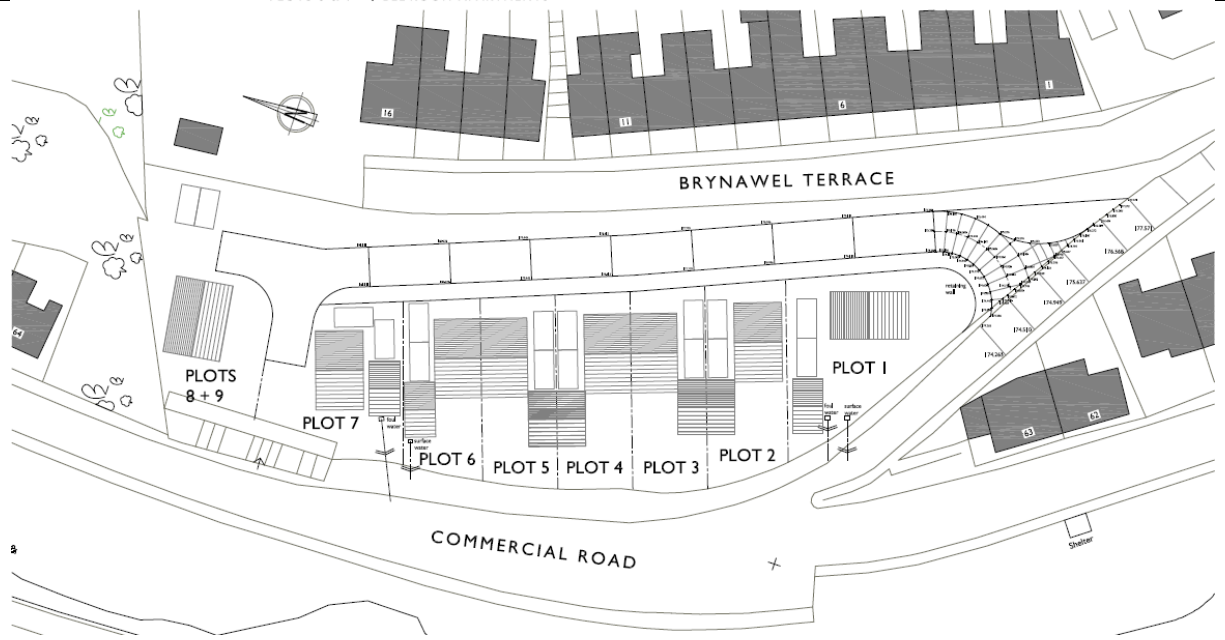


Figure 2. Indicative site layout plan and access.

- 1.6 The site comprises a wedge-shaped parcel of brownfield (formerly developed) land extending to approximately 0.34 hectares. The site is in an elevated position above Commercial Road to the west and is set below the level of the highway and the dwellings of Brynawel Terrace to the east. The site is enclosed by high retaining walls with metal railings above. Access is gained off the hill leading to Brynawel Terrace. At the time of inspection, the site accommodated a steel portal frame building and a small domestic caravan.



Figure 3. Existing access and boundary walls of the application site.



Figure 4. Internal arrangement of application site (southern end).



Figure 5. Internal arrangement of the site (northern end)

1.7	The area surrounding the site is residential in nature. The dwellings closest are generally two storey in form comprising a mix of traditional terraces, and semi-detached dwellings finished with a variety of architectural details and external finishes.
1.8	The site is unallocated and located within the settlement boundary of the Llanhilleth ward as defined by the proposals map of the Blaenau Gwent County Borough Council Local Development Plan (LDP).
1.9	The application is presented to Planning Committee following the receipt of public objections and the decision being in the wider public interest.

2.0 Site History

	Ref No	Details	Decision
2.1	C/2014/0026	Residential development with alterations to access (out)	Approved 24/03/2017
2.2	C/2017/0262	Proposed new house and widening of existing vehicle entrance	Approved 16/11/2017
2.3	C/2022/0024	Application for Non-material amendment of planning permission C/2017/0262 (Proposed new house and widening of the existing vehicle entrance) to adjust the positioning of the approved house, with addition of a balcony, and alterations to windows/doors	Approved 21/02/2022
2.4	C/2022/0038	Proposed two storey, double garage with office/workshop above	Approved 24/05/2022

3.0 Consultation and Other Relevant Information

3.1	<u>Internal BG Responses</u>
3.2	<p><u>Service Manager Infrastructure:</u></p> <p><u>Highways:</u> No objection. Following the submission of amended and additional plans, the Highway Authority is satisfied that an appropriate access road could be constructed to serve the proposed development.</p>
3.3	<p><u>Drainage:</u> The developer is required to secure SAB consent for the development prior to any works commencing on site.</p>
3.4	<u>Service Manager Public Protection:</u>

	<p>No objection subject to conditions regarding:</p> <ul style="list-style-type: none">• Land contamination.• The submission of a Construction Environmental Management Plan detailing means of noise, dust and hours of construction; and• Provision being made for the charging of electric vehicles at the properties.
3.5	<u>External Consultation Responses</u>
3.6	<u>Town / Community Council:</u> No response received.
3.7	<u>Welsh Water:</u> Require foul and surface water discharged to be drained separately from the site. Confirmation that domestic only foul flows from the site can be accepted into the public combined network to the west of the site but that no surface water shall be allowed to connect either directly or indirectly to the public sewerage system. Full foul and surface water drainage details should be secure by condition.
3.8	<u>Western Power, Wales and West Utilities:</u> Advice provided regarding the location of apparatus within the vicinity of the site.
3.9	<u>LERC</u> Advice provided regarding protected species in the area.
3.10	<u>Public Consultation:</u> The original application was advertised by: <ul style="list-style-type: none">• 29 letters to nearby houses• site notice(s)• website public register of applications• ward members by letter• all members via weekly list of applications received
3.11	The amended highway layout plans have been advertised by direct neighbour notification.
3.12	<u>Response:</u> 5 letters of objection and one petition containing 10 signatures have been received and are summarised as follows:

<p>3.13</p>	<p><u>Original plans:</u></p> <ul style="list-style-type: none"> • The entrance is very narrow and the view obstructed. It is impossible for any vehicles larger than a modest car to turn in or out of the entrance without repeated manoeuvring just below the brow of a hill. • Concerns regarding the probability of another 27 cars and other associated traffic using the poor access road onto Commercial Road which is a blind corner. • Proposal will increase traffic volume and movements on the roads which are already in a poor condition and will continue to deteriorate with additional traffic. • Additional traffic will result in additional congestion. • Sections of the road have no pedestrian pavements or traffic calming so additional traffic will add additional safety risks. • Access for heavier vehicle including waste collection etc, not excluding the additional vehicles that would be required for the construction • Concerns as to whether the sewerage system has capacity for a further 9 dwellings. • Commercial Road regularly floods at the top the junction of Commercial Road with Mill Road.
<p>3.14</p>	<p><u>Amended plans:</u></p> <ul style="list-style-type: none"> • Concerns about the impact of groundworks and modifications to retaining wall on the structural integrity of the neighboring properties. • Concerns regarding the stability of the existing retaining walls and railings due to a lack of repair and maintenance • Overdevelopment- consideration should be given to reducing the number of plots proposed. • Noise pollution and disturbance to residents from vehicles and persons during the building process and once complete. • Concerns regarding the provision of sufficient parking. • Vehicles turning in and out of the site will need the hill leading to it to be clear of parked vehicles. At the moment there are at least 6 vehicles that are always parked on this hill. Commercial Road and Brynawel Terrace is also full of parked cars. We could not cope with the overflow from Commercial Road houses that now park on the hill.
<p>4.0 Planning Policy</p>	
<p>4.1</p>	<p><u>Team Manager Development Plans:</u></p> <p><u>LDP Policies:</u> SP2 Southern Strategy Area – Sustainable Growth and Regeneration.</p>

	<p>SP4 Delivering Quality Housing. SP5 Spatial Distribution of Housing Sites. SP7 Climate Change. SP10 Protection and Enhancement of the Natural Environment. DM1 New Development. DM2 Design and Placemaking. DM7 Affordable Housing. DM15 Protection and Enhancement of the Green Infrastructure. SB1 Settlement Boundaries.</p>
4.2	<p>Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.</p>
4.3	<p><u>Supplementary Planning Guidance</u> Access, Car Parking and Design (March 2014) A Model Design Guide for Wales – Residential Development (March 2005) Planning Obligations – Note 7 (September 2011)</p>
4.4	<p><u>National Planning Policy and TANs:</u> Future Wales: The National Plan 2040 Planning Policy Wales Edition 12 (February 2024) Technical Advice Note 2: Affordable Housing (June 2006) Technical advice note (TAN) 5: nature conservation and planning Technical advice note (TAN) 11: noise</p>
5.0 Planning Assessment	
5.1	<p>The main considerations in determining this application are whether the principle of residential development is acceptable (including scale parameters), the adequacy of the proposed access, and the requirement for Planning Obligations. All other matters are reserved for future consideration.</p>
5.2	<p><u>Principle of Development</u></p>
5.3	<p>Future Wales: The National Plan 2040 was published on the 24th February 2021, and is therefore relevant to this application as it now forms part of the Development Plan. The specific purpose of Future Wales is to ensure the planning system at all levels is consistent with, and supports the delivery of, Welsh Government strategic aims and policies. The relevant policies in</p>

	<p>relation to this development are Policies 1 and 2. Policy 1 promotes continued growth and regeneration in the area. Policy 2 supports a rich mix of residential, commercial and community uses within close proximity to each other to create activity throughout the day and to enable people to walk and cycle rather than being reliant on travelling by car. Being mindful of the nature of the proposal and its location, the application is considered compliant with these policies.</p>
5.4	<p>Planning Policy Wales (Edition 12, February 2024) (PPW) sets out the land use planning policies that should be taken into account by local planning authorities in Wales. PPW outlines that the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, as required by the Well-being of Future Generations (Wales) Act 2015. Recycling and making the best and most effective use of previously developed, under-utilised or vacant land and buildings is a consistent theme that runs through PPW.</p>
5.5	<p>With regards to the Blaenau Gwent County Borough Council Local Development Plan (LDP) it is noted that the site is located within the settlement boundary within which development is normally permitted subject to other policies within the plan and material considerations (Policy SB1) and is not allocated for any other use.</p>
5.6	<p>Furthermore, it is noted that the principle of developing the site for residential purposes has been positively established by the granting of outline planning application C/2014/0026 on the 24th March 2017. Although the permission has expired there have been no substantial changes in policy since the determination. As such being mindful of the policies outlined above, the history of the site and the residential context of the area, it is considered that the proposal would be compatible with surrounding neighbouring land uses and the principle of developing the site for residential purposes is in accordance with national policy and LDP Policies SP2 and DM1(2) a.</p>
5.7	<p>In terms of the type of housing proposed, this is reserved for future consideration. However, the indicative plans detail the provision of 4 detached and four semi-detached properties. One of the proposed detached buildings would accommodate two, one bedroom flats with the remainder of the dwellings providing a mix of 3/ 4 bedrooms. LDP Policy SP4 requires a mix of dwelling types, sizes and tenure to create mixed and balanced communities and meet housing needs. Whilst the latest Housing Market Assessment (2019) concluded there is sufficient supply of three-bedroom properties there is an outstanding need for 1 bed and 4 bed properties. As such, on balance, it is considered that the proposed development would contribute to meeting the</p>

	housing need of the area and therefore complies with LDP Policies SP4 and SP5.
5.8	<p><u>Scale</u></p> <p>Whilst only indicative, the block plan illustrates that the site can accommodate the proposed 9 units with sufficient access, parking and amenity space. Whilst an objection has been received requesting the number of plots be reduced it is noted that 10 units were previously approved for the site, by virtue of C/2014/0026. In this instance it is considered that the number of units indicated would make efficient use of the land and would provide a density of development in keeping with the pattern and urban grain of the area.</p>
5.9	<p>Scale parameters for the dwellings have been provided which specify that the dwellings will be 2–2.5 storey in height with overall ridge heights between 8m–8.5m. Given the topography of the area, the stepped position of the site relative to the dwellings along Brynawel Terrace and Commercial Road, and the fact that the local vernacular is mixed in style, it is considered that the that the scale parameters are acceptable and will not have a detrimental visual impact upon the street scene. The proposal is therefore considered compliant with LDP policies DM1 (1) b (2) b and d and DM2 a.</p>
5.10	<p><u>Access</u></p> <p>As specified above, although initially reserved for future consideration, the Council have requested that matters relating to access be submitted and considered as part of the current proposal.</p>
5.11	<p>Following consultation in relation to the amended plans, the Highways Manager has confirmed that the proposed junction configuration is acceptable with the details demonstrating that a 1 in 12 gradient, vision splays and pedestrian access can be achieved. The swept path analysis has also demonstrated that a refuse vehicle could be accommodated at both the junction and turn within the onsite hammer head. The indicative plot parking and garage details are also considered acceptable and compliant with the SPG. The junction works would require the developer to enter into a Section 278 Agreement under the Highway Act 1980 to ensure all works undertaken are designed and constructed in accordance with the Council's highway design standards and are subject to a full Road Safety Audit. An informative note advising of this requirement could be added to any grant of consent.</p>
5.12	<p>Matters relating to access, parking and highway safety are a significant concern for residents who have identified that the area is subject to considerable on street parking and that the works to alter the access could result in vehicles being displaced from the hill to adjacent residential streets. It</p>

	<p>is noted that the development would provide sufficient parking for the proposed dwellings and as a result should not generate any increased on street parking demand. Whilst it is acknowledged that the development could displace vehicles further up the hill or onto Commercial Road, further to a site inspection it is noted that there are single yellow lines and parking restrictions in place along the hill, restricting permanent parking.</p>
5.13	<p>With regards to pedestrian safety, it is noted that the development would provide a new pavement that would adjoin with the existing provision.</p>
5.14	<p>To mitigate the impact of the works and application, it is recommended that conditions be imposed requiring the submission of a Construction Environmental Management Plan detailing the parking of vehicles for site operative and visitors; a Traffic Management Plan detailing traffic control measures along the hill and surrounding area for the duration of the development; that all works to the highway junction and existing and proposed retaining walls be undertaken prior to works commencing on the proposed dwellings; and that the footpath be implemented prior to occupation of any of the dwellings.</p>
5.15	<p>Whilst it is appreciated that the development will cause disruption for existing residents it is considered that the highway network has sufficient capacity to accommodate the number of vehicles generated by the development, the proposal would not increase on street parking demand and a suitable access can be achieved to serve the site and prevent the development from having a detrimental impact on the highway safety and free flow of traffic in the area. Subject to conditions recommended above, the development is considered compliant with LDP Policy DM1(3).</p>
5.16	<p><u>Ground Conditions and Retaining Wall Stability</u> It has been confirmed the site is in a low-risk coal field area. As a result, there is no requirement for the applicant to submit a coal mining risk assessment. Whilst mindful that the site previously accommodated a school, given the proposed residential use, the Council's Environmental Health Officer has requested that a land contamination condition be imposed.</p>
5.17	<p>Concerns regarding the impact of any ground works, modifications to the retaining wall and potential impacts on stability are another area of concern for residents. Based on the indicative plan submitted it is noted that all the proposed dwellings would be sited away from the retaining walls. However, construction works could lead to vibration and reverberation damage. Being mindful that this application seeks outline consent, it is recommended that conditions be imposed requiring the submission of a construction method</p>

	statement, detailing how the site will be cleared and developed, and a full structural survey of all the existing retaining walls, be submitted prior to the commencement of development. These details would form part of the reserved matters for the site and would be the subject of further public consultation.
5.18	Whilst concerns regarding the lack of maintenance is noted, any walls within the development site are the responsibility of the applicant. Any detrimental impact arising from their failure on any third-party property would be a private civil matter.
5.19	Subject to the imposition of the conditions recommended above, the application is considered compliant with LDP Policies DM1(2)i and j.
5.20	<u>Drainage</u> The plans submitted detail that foul and surface water will be discharged separately from the site. Following consultation, Dwr Cymru/ Welsh Water have confirmed that capacity exists within the public sewerage network to accommodate foul only flows from the proposal and have requested a condition requiring the submission of drainage details be imposed on any grant of consent.
5.21	As of 7th January 2020, all new dwellings are required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water, designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage. The applicant has been made aware of this requirement and will be seeking consent from the SuDS Approving Body (SAB) approval independently of the planning application. An informative note could be added to any grant of consent reminding the applicant of their duty.
5.22	Subject to conditions and informative notes, it is considered that the development would not have a detrimental impact on the drainage infrastructure of the area and is considered compliant with LDP policies DM1(2) e and f.
5.23	<u>Neighbour Amenity</u> As the application site is in a residential area there are numerous dwellings within the immediate vicinity. However, given the raised height of the site relative to the properties along Commercial Road, the offset position of the dwellings to the boundary, the screening that would be provided by the retaining wall along the eastern part of the site and the raised finished floor levels of the properties in Brynawel Terrace it is considered that the development proposed would not generate any increased overshadowing or loss of light. Being mindful that layout and design are reserved for future

	<p>consideration it is considered that properties could be designed for the site that would not have an overbearing impact or generate an unacceptable level of increased overlooking or loss of privacy.</p>
5.24	<p>In considering the impact upon neighbours, the Environmental Health Officer has recommended that a construction environmental management plan (CEMP) be secured by condition to ensure that adequate provision is made to deal with dust, noise, and construction.</p>
5.25	<p>The objectors have raised concerns with regards to increased noise generated by the construction and final use of the site. Whilst there would inevitably be disruption during development, this could be controlled by the CEMP. Given the residential context of the site, it is considered that the final use would not generate such an increased level of disruption or disturbance to warrant refusal of the application on such grounds.</p>
5.26	<p>Subject to appropriately worded conditions, the development is considered compliant with LDP Policy DM1(2) c.</p>
5.27	<p><u>Green Infrastructure and Ecology</u> Although vacant, the site has previously been cleared of all mature green infrastructure and is currently of limited ecological and green infrastructure value. Given landscaping is a reserved matter, it is considered that a scheme could be designed to provide and enhance green infrastructure connections to the benefit of the value and amenity of application site and wider area. These matters will also be secured by any SAB approval. The provision of ecological and biodiversity enhancements will need to be secured by condition and indicated as part of any future reserved matters application.</p>
5.29	<p>In accordance with Chapter 6 of PPW 12 due regard has been given to the fact that the application should be accompanied by a Green Infrastructure Statement, however given landscaping is a reserved matter and being mindful of the limited green infrastructure currently on site, this is more appropriately considered as part of any future reserved matters submission.</p>
5.30	<p>Subject to such conditions to secure ecological enhancements, the application is considered compliant with policies SP10 and DM15 of the LDP.</p>
5.31	<p><u>Planning Obligations</u> 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:</p> <ul style="list-style-type: none"> - Contain 10 or more dwellings; or

5.32	<ul style="list-style-type: none"> - Exceed 0.28ha in gross site area; or - Exceed the thresholds in (a) or (b) above for adjacent sites. <p>As the site has a cumulative area in excess of 0.28ha the applicant is required to make a contribution, unless they can demonstrate that the scheme is unviable. Following discussions, the agent has confirmed that the applicant is willing to contribute. Given the current scheme is outline only, a condition could be added to any grant of consent requiring the reserved matters scheme provide 10% affordable housing. In this instance, there is potential for one of the one-bedroom flats to be reserved as an affordable unit. Subject to the imposition of the condition, the application would be compliant with the requirements of policy DM7 of the LDP.</p>
6.0 Legislative Obligations	
6.1	<p>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.</p>
6.2	<p>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.</p>
7.0 Conclusion and Recommendation	
7.1	<p>In conclusion the development will deliver 9 dwellings on a brownfield, windfall site which will assist in delivering the housing target under LDP policy SP5 and will also making an affordable housing contribution in compliance with LDP policy DM7</p>
7.2	<p>Based on the report above, the proposal is considered acceptable in land use terms and the scale of the dwellings would not have an unacceptable impact upon the character and appearance of the surrounding area. Subject to conditions it is considered that proposal would not have an adverse impact upon neighbouring amenity, highway safety or the green infrastructure and ecological value of the site. The proposal is therefore considered to be in compliance with the relevant policies contained within the Blaenau Gwent County Borough Council Local Development Plan and it is recommended that Planning permission be GRANTED subject to the following condition(s):</p>

	<ol style="list-style-type: none"> 1 Standard Time Limit for submission of reserved matters. 2 Condition requiring details of appearance, landscaping and layout (reserved matters) prior to development. 3 Approved Plans list. 4 Provision of 10% affordable housing. 5 Details of all existing and proposed levels to include finished floor levels of each dwelling. 6 Structural survey of all existing retaining walls 7 Full design details and structural calculations for all new retaining walls. 8 Works to all retaining walls to be undertaken prior to works commencing on any dwelling. 9 Traffic Management Plan 10 Provision of all highway and junction improvement works prior to works commencing on any dwelling. 11 Details of foul water drainage scheme for the site. 12 Standard Land contamination condition. 13 Submission of sections, walls, fences and other enclosures and minor structures. 14 Ecological Enhancement Plan. 15 Construction and environmental management plan detailing, but not limited to means of noise and dust mitigation and construction hours prior to commencement of the development. 16 Construction Method Statement detailing method of site clearance and construction. 17 Ecological enhancement <p>Informative notes:</p> <ol style="list-style-type: none"> 1 Development in compliance with the Council's 'Access, Car parking and Design' SPG. 2 Requirement to enter into a Section 278 Agreement under the Highway Act 1980. 3 SAB
8.0 Risk Implications	
8.1	None.