

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	27th January 2020
Directorate	Regeneration & Community Services
Date of meeting	6th February 2020

Report Information Summary

1. Purpose of Report	
To present planning applications for consideration and determination by Members of the Planning Committee.	
2. Scope of the Report	
Application No.	Address
C/2019/0310	1 Hawthorn Glade, Tanglewood, Blaina, NP13 3JT
C/2019/0330	Unit 2, Tafarnaubach Industrial Estate, Tafarnaubach
C/2019/0280	Wauntysswg Farm Abertysswg Rhymney Tredegar NP22 5BQ
C/2019/0269	10 Castle Street, Tredegar, NP22 3DE
C/2019/0346	Site of former sheltered housing at Glanffrwd Court and adjacent land at Cae Melyn and Rhiw Wen, Ebbw Vale
C/2019/0273	The Bridge, Hotel and Flat, Station Approach, Pontygof, Ebbw Vale
C/2019/0308	30 Marine Street, Cwm, Ebbw Vale
3. Recommendation/s for Consideration	
Please refer to individual reports	

Planning Report

Application No: C/2019/0310	App Type: Retention
Applicant: Mr. Jamie Davies 1 Hawthorn Glade Blaina NP13 3JT	Agent: Mr T Morgan Clifton House Westside Blaina, NP13 3DD
Site Address: 1 Hawthorn Glade, Tanglewood, Blaina, NP13 3JT	
Development: Retention and extension of raised decking area	
Case Officer:	Joanne White



Application Site

1. Background, Development and Site Context

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| 1.1 | This application seeks permission to retain and extend a raised decked area within the rear garden of a detached residential property. The dwelling occupies a corner plot within the estate commonly known as 'Tanglewood', Blaina. |
| 1.2 | The property is accessed off Hawthorn Glade whilst the main estate road, Tanglewood Drive, runs parallel to the side/rear garden (to the south). |

Number 15 Tanglewood Drive sits adjacent to the rear garden boundary and number 2 Hawthorn Glade is located next door. Dormer bungalows (16-20 Tanglewood Drive) sit opposite the decking, fronting Tanglewood Drive.

- 1.3 The topography is such that Tanglewood Drive rises steeply from west to east. Thus, the adjacent property at no. 15 Tanglewood Drive is at a significantly lower level than the application site property.
- 1.4 An existing 1.2m high timber fence is set in from the southern side boundary to enclose the rear/side garden. Consequently, an open landscape verge (within the applicant's ownership) separates this fence from the rear of the public footpath.
- 1.5 Raised Upvc decking has been constructed parallel to the southern boundary (fronting Tanglewood Drive), behind and elevated above the existing fence enclosure. The decking has been constructed on a steel frame at an approximate height of 2.3m with a further 1.2m high timber fence sat above that. The overall height from ground level is 3.5m high, or 5.1m from footpath level. The existing decking is approximately 13.5m long x 4.5m wide at its widest point.



Fig 1.1 - Existing decking to be retained and extended along the full width of the rear garden.

1.6 In addition to the retention of the raised decking to the south, this application seeks to extend the unauthorised decking, returning it along the full length of the rear (western) boundary for a length of 17m x 6.5m wide (at its widest point). In effect, the resultant decking will wrap around the garden in an 'L' shape.



Fig 1.2 - Extent of decking already constructed proposed 'to be retained'.



Fig 1.3 - Proposed decking applied for.

1.7 No additional landscaping has been proposed along the southern landscape verge.

1.8 Whilst this is a retrospective application, Members must make a decision based on the merits of the case as if the decking were not already there.

2. Relevant Site History

	Ref No	Details	Decision
2.1	C/2003/0292	Extension	Approved 15.09.03

3. Consultation and Other Relevant Information

- 3.1 **Internal BG Responses**
- 3.2 **Team Leader Building Control:**
Building Regulations not required.
- 3.3 **Service Manager Infrastructure:**
Highways: No objection.
Ground Stability: Insufficient detail submitted.
- 3.4 **External Consultation Responses**
- 3.5 **Town / Community Council:** No objection.

3.6	<p><u>Welsh Water:</u> Request the applicant contact Dwr Cymru Welsh Water to establish the location and status of the sewer as the presence of such assets may affect the proposal.</p>
3.7	<p><u>Public Consultation:</u> Strikethrough to delete as appropriate</p> <ul style="list-style-type: none">• 6 letters to nearby houses• 1 x site notice• press notice• website public register of applications• ward members by letter• all members via weekly list of applications received• other
3.8	<p><u>Response:</u></p>
3.9	<p>One letter of objection has been received. The main issues raised are as follows:</p> <ul style="list-style-type: none">• The visual impact is overbearing and out of character with the street scene.• The proposals have an adverse impact on the privacy and amenity of neighbouring properties.• The scale and materials will increase rainwater runoff which will impact other properties. The proposal is for approximately 130m² of hard surface replacing the existing soft landscaping. This is twice the area of the roof of an average sized house (the roof of No 15 is 60m² for comparison). Decking does allow some of the water to run through onto the ground beneath it however no details are given of how the ground will be maintained to continue to absorb rainwater runoff. As my property is downhill of this garden it is likely that any increased runoff will affect my property.• The structure has the potential to threaten the stability of the ground. The plans are misleading as they misrepresent the true gradient of the bank on No 15's property. The bank is much steeper than shown and in my professional opinion would not be suitable or safe to take the proposed loadings from the decking legs. It is hard to see how foundations for the posts can be dug so close to the boundary without affecting the ground on the other side of the fence or disturbing existing tree roots.• The loss of soft landscaping interrupts a vital wildlife corridor within the

3.10	<p>estate.</p> <ul style="list-style-type: none"> Approval of the current design would set a precedent for further similar structures to be built in the area. <p>A Ward Member also requested that this planning application go before Planning Committee for determination. The reason given is that the Member does not consider the development to be overbearing and that whilst it is set over 5m above footpath level the existing garden is unusable for play due to its steep sides. Furthermore, the Member considers that the development could be screened with planting.</p>
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4. Planning Policy

4.1	<p><u>Team Manager Development Plans:</u></p> <p><u>LDP Policies:</u> DM1 – New Development DM2 – Design and Placemaking</p> <p>SPG Householder Design Guidance (February 2016) Note 7: Raised decks, balconies and retaining walls.</p>
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5. Planning Assessment

5.1	<p>The proposal has been assessed against policies DM1 and DM2 of the adopted Local Development Plan (LDP) and the adopted Supplementary Planning Guidance for Householder development, Note 7 'Raised decks, balconies and retaining walls' (February 2016).</p>
5.2	<p>LDP Policy DM2(a) states that development proposals should be appropriate to the local context in terms of type, form, scale and mix. Policy DM2(b) requires proposals to be of good design which reinforces local character and distinctiveness of the area or positively contribute to the area's transformation. In the context of this site I consider that the introduction of this raised decking sitting at 5.1m (almost 17ft) above footpath level is an unsightly and a very prominent addition within the street scene, contrary to LDP Policy DM2(a) and (b).</p>
5.3	<p>Similarly, one of the key principles of Supplementary Planning Guidance Note 7 (2016) is that decking should complement the character of the house and that the scale, massing and materials used in the decking should respect the appearance of the host property, neighbouring properties and overall street scene. The decking is constructed of steel and Upvc boards. The decking is sandwiched between two 1.2m timber fences and will have an expanse of 17.6m (58ft), as viewed from the highway to the south once fully constructed (currently 13.5m/44ft as existing). Whilst I am open minded to non-traditional design/materials, in my opinion, the structure is industrial in</p>

scale, appearance and materials and is completely at odds with what would ordinarily be expected at a residential property, contrary to the SPG principles.



5.4

I fully acknowledge that the elevated position of the site results in some overlooking of neighbouring properties. However, given the fact that the

constructed and proposed decking is raised above the garden level of the application site (sitting at approximately first floor level in comparison to the dwelling to the rear) and significantly increases the level of amenity space at an elevated position, it significantly exacerbates the existing impact. The proposed 1.2m fence will do little to provide privacy from overlooking into the neighbouring garden at no.15 Tanglewood Drive. Even if this fence were to be increased to provide adequate screening, it would only intensify the overbearing impact of the structure which is already an incongruous feature within the street, contrary to LDP Policy DM1(2)c and DM2(b) and the principles of the SPG.



5.5

I note that there is an existing 'landscape area' that falls within the applicant's ownership separating the existing fence line and footpath. No attempt has been made to screen the decking as part of this application by way of new planting. Nevertheless, I am mindful that any proposed planting would take a number of years to mature to a height that could successfully screen the decking and fence along the southern boundary. Even if this was achieved, it would not screen the decking when travelling along Tanglewood Drive in an easterly or westerly direction. Given the prominent location of this property, the decking would remain a visually dominant feature within the locality nor would it overcome the impact on residential amenity of the

	occupiers of 15 Tanglewood Drive.
5.6	Whilst I acknowledge the general steep topography of the area, there are no other dwellings within the estate that benefit from raised structures of this scale and mass. Indeed, this property already benefits from a large, level garden area when compared to many others within the estate. The introduction of raised decking of this nature would not only be an unsightly and uncharacteristic feature within the estate, it would also set an undesirable precedent for similar structures throughout the estate. To that end, I note that there are at least two other large properties to the east and west of the application site (13 Tanglewood Drive and Ty Draenen) which are corner plots with similar site circumstances. Allowing such a significant and inappropriate structure on this plot could result in similar structures being replicated in close proximity. The impact of which could result in no.15 Tanglewood Drive being completely overlooked.
5.7	I fully appreciate that the applicant wishes to increase the level of useable garden area. However, there are a variety of other ways this could be achieved more sympathetically and thus, I do not consider this is a reason in which to allow a wholly unacceptable development.
5.8	Based on the above, I conclude that neither the retention of the existing decking nor the additional decking extension (and associated fences) would be acceptable. The retention of the decking and fence causes material harm to the street scene and character of the area contrary to LDP Policy DM1(2)b and DM2(a) and (b) and to extend this decking even further would only intensify the harm. Furthermore, the proposed development will have an overbearing impact and result in a loss of privacy for the neighbouring property contrary to LDP Policy DM1(2)c and the key principles set out in the Householder SPG Note 7.
5.9	<u>Other Matters</u>
5.10	Issues raised by the objector in respect of amenity and setting a precedent have been addressed earlier in this report. My responses to the other issues are set out below.
5.11	I do not consider that the introduction of raised decking to part of a residential garden will have such a detrimental impact upon wildlife within the estate so as to warrant refusal on this basis. With regards to water run-off, I do not consider that the decking 'replaces' soft landscaping; the soft landscaping remains below the raised decked area. The very nature of decking allows for water to run through to the ground below. In this regard, I consider the impact in terms of surface water will be negligible. In terms of

ground stability, the Council's Structural Engineer has indicated that the submitted section drawing provides insufficient detail for an adequate assessment to be undertaken. In addition, it is advised that any structure within 3.66m of the public highway and measuring over 1.37m in height requires structural calculations and a design certificate. On the basis that I consider the proposal to be unacceptable in terms of visual and residential amenity impacts, I have not sought further details from the applicant in respect of this matter. To have done so would have caused further expense to the applicant for a proposal which I consider to be unacceptable in planning terms.

6. Legislative Obligations

6.1 The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.

6.2 The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.

7. Conclusion and Recommendation

7.1 Planning permission be **REFUSED** for the following reason(s):

1. By virtue of its scale and mass, the retention of the raised decking is considered to be an unduly dominant feature that has an adverse visual impact upon the street scene contrary to policies DM1(2)b and DM2(a),(b) of the Council's adopted Local Development Plan (2012) and the key principles set out in the adopted Supplementary Planning Guidance for Householders: Note 7 'Raised decking and balconies' (February 2016).
2. The structure would cause material harm to the living conditions of the occupiers of neighbouring residential properties by having an overbearing impact and causing loss of privacy contrary to policies DM1(2)b,c and DM2(a),(b) of the Council's adopted Local Development Plan (2012) and the key principles set out in the adopted Supplementary Planning Guidance for Householders: Note 7 'Raised

	decking and balconies' (February 2016).
8. Risk Implications	
8.1	Granting planning permission contrary to the recommendation of this report undermines the principles of the adopted LDP policies and Supplementary Planning Guidance. Such a decision would demonstrate an inconsistent approach in the planning process and would set a precedent for excessive structures in the locality.

Planning Report

Application No: C/2019/0330	App Type: Full
Applicant: Dragon Recycling Solutions Ltd. Mr Mick Young Unit 4 Heads of the Valleys Ind Est Tredgar NP22 5RL	Agent: Stuckey Architects Mr Ryan Stuckey 14 The Glade Plasdraw Aberdare CF44 0NX
Site Address: Unit 2, Tafarnaubach Industrial Estate, Tafarnaubach	
Development: The change of use of existing buildings from Education and Training Centre to B2 Industrial use for the recycling and recovery of WEEE (Waste Electronic and Electrical Equipment) and associated materials and products.	
Case Officer:	Steph Hopkins



1. Background, Development and Site Context

- 1.1 This application seeks planning permission for a change of use of existing buildings from Education and Training Centre to B2 Industrial use for the recycling and recovery of WEEE (Waste Electronic and Electrical Equipment) and associated materials and products at Unit 2, Tafarnaubach Industrial Estate (more commonly known as the Business Resource Centre (BRC) and prior to that Alan Davies Training Centre).
- 1.2 The Application Site
Unit 2 has been used in excess of 30 years as a training centre/offices and is currently in Council ownership. The buildings have been vacant since January 2018.
- 1.3 The application site measures approximately 1.18 hectares, is flat and is located within Tafarnaubach Industrial Estate. It fronts and is accessed directly off the main road leading into the industrial estate. To the north is a treed/grassed verge and road which leads to a number of industrial units. There is a treed bund on the western boundary with industrial units beyond. The southern boundary is immediately bound by the gardens of four residential properties on Siloam Close/Terrace at a slightly lower level, separated only by a palisade fence.
- 1.4 In terms of the planning unit there are 3 no. buildings within the site with a yard area to the side and rear of the main building and a car-park to the front of the main building. The main building (which I will refer to as Building 1) is a large, two storey, 'L' shaped building; another single storey building (Building 2) is situated to the rear of the main building and a third building (Building 3) is situated in line with, and to the side of the main building which is two-storey¹.
- 1.5 The application
The applicant is Dragon Recycling Solutions (DRS) Ltd. The main focus of the company's business is handling the logistics, storage, triage/repair and disposal of gas and electric meters and associated fittings for utility companies and other private clients. The recycling element involves disassembly of the meters by hand and separation of the recovered materials (plastic, circuit boards and metals). The company describes this as *'more of a reverse engineering operation than a dirty recycling operation'*.
- 1.6 DRS are currently based at the Heads of the Valleys Industrial Estate in Rhymney but need to expand and require an additional site to cope with

¹ See Site Layout Plan at para 1.13

	potential demand and growth. The company has listed their operations as:
1.7	<u>Utility Asset Management</u> <ul style="list-style-type: none">- Utility meter and associated equipment collection and dispatch, storage, triage, testing, refurbishment and repatriation.
1.8	<u>Waste Management</u> <ul style="list-style-type: none">- Industrial plastic, circuit board, WEEE recycling- Cardboard recovery- Mercury recovery from gas meters and mercury recovery (general)- Secure destruction- Electric, gas and water meter and laptop/computer recycling
1.9	The applicant has confirmed that the following processes would relocate to Unit 2: <ul style="list-style-type: none">- Utility meter storage, triage, testing, cleaning, re-packaging and repatriation, utility meters materials recovery and plastics granulating.
1.10	All other processes listed above in para's 1.7 and 1.8 will be retained in the existing unit in Rhymney. The applicant has stated in their submitted Waste Policy Statement that the proposed operations pose no risk to human health or the environment. The proposed processes do not produce airborne dust, biodegradable waste or discharge to the foul sewer.
1.11	When the application was initially submitted no external alterations were proposed to the appearance of the buildings or within the associated yard/parking areas (other than the installation of a weigh bridge). However, following my site visit to both the application site and the applicant's current premises with the Council's Environmental Health Officer the applicant was requested to block up two existing door openings on the frontage of Building 2 and insert a new door opening on the rear of that building for noise mitigation purposes. The applicant agreed to this and also agreed to provide a screen fence on the southern boundary between the yard of Unit 2 and residential properties on Siloam Close/Terrace to protect both the visual amenity of the occupiers of those residential properties and for noise mitigation purposes. Extensive internal works will also be undertaken in Building 1 to ensure the building will be fit for purpose.
1.12	In order to further explain the intended process at Unit 2 the agent has submitted an 'On Site Process Flow' document which is outlined below. I have added additional information to this flow for clarity purposes and provided annotated plans (Figure 1 and 2) to assist readers to further understand the proposed process:

1.13

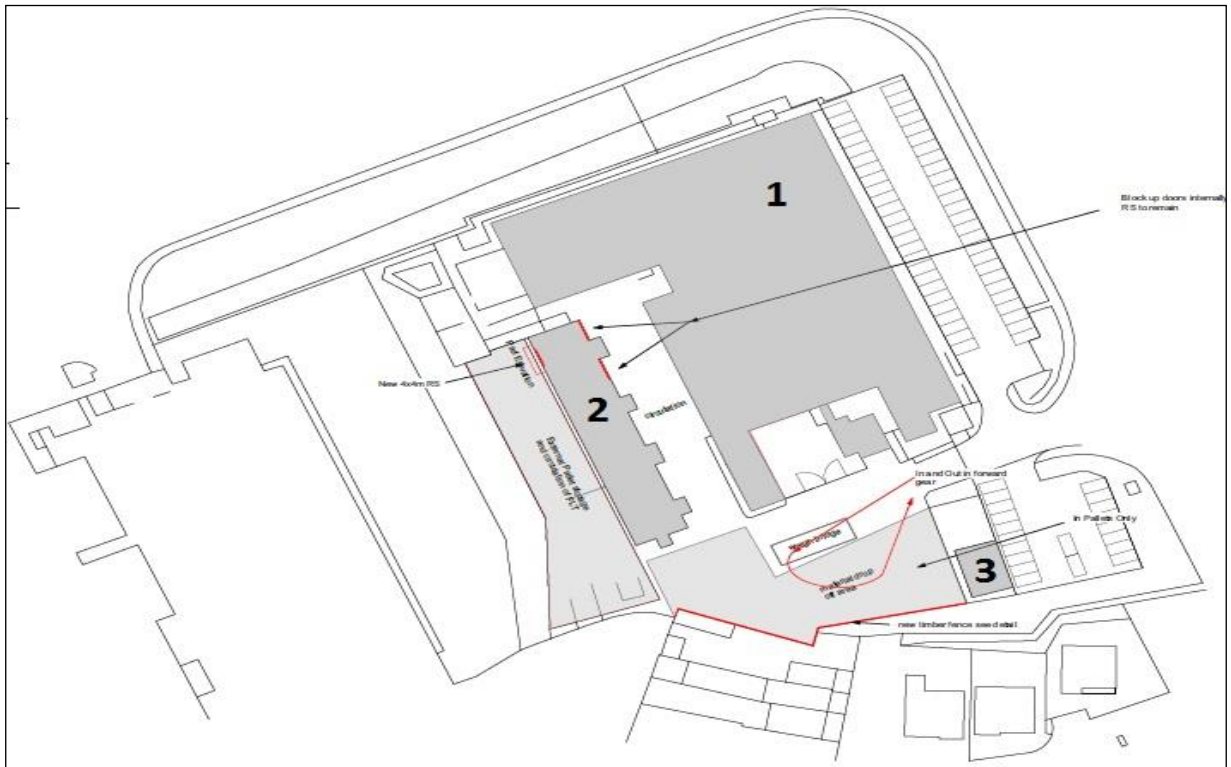


Figure 1

1.14

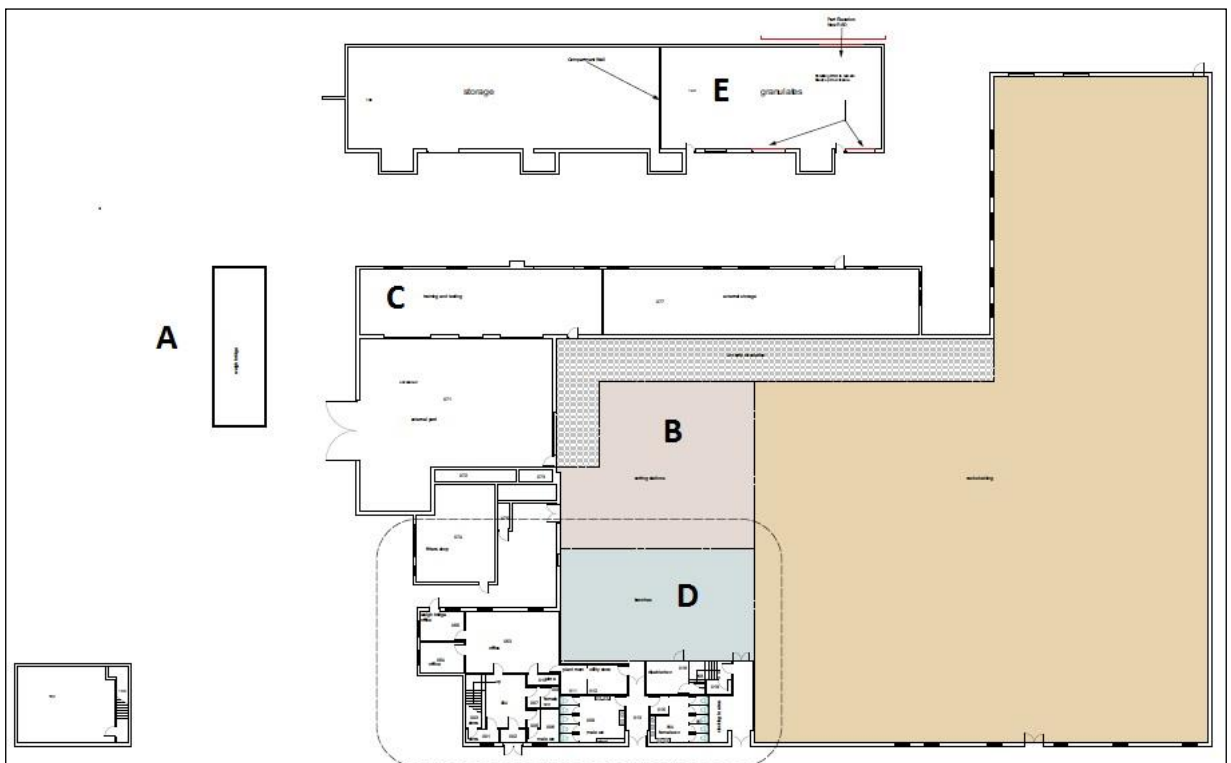


Figure 2

1.15	<p>Figure 1 at para 1.13 shows the site layout and footprint of the buildings:</p> <ul style="list-style-type: none">- Building 1 will be used for the majority of the processes outlined below.- Building 2 will be used for storage and granulating of plastic.- Building 3 will be used for offices.- The red arrow on the plan indicates the traffic flow of transportation vehicles.- The redline on the southern boundary indicates the position of a proposed 2m high timber boundary screen.- The dashed redlines on the front of Building 2 indicate the doors to be blocked up and the single dashed line on the rear indicates the position of the new door.
1.16	<p>Figure 2 at para 1.14 indicates the rooms in which the processes outlined below will be undertaken.</p>
1.17	<p>The process proposed at the site has been described as follows:</p>
1.18	<ul style="list-style-type: none">• Materials (utility meters and associated equipment) will arrive on pallets/magnum boxes on curtain side trucks which will pass over the weigh bridge and off load on the yard to the south of the factory (Area A, Figure 2).
1.19	<ul style="list-style-type: none">• Once off loaded the truck will turn on the yard, pass over the weighbridge again and exit the site (Area A, Figure 2).
1.20	<ul style="list-style-type: none">• The off loaded pallets will be taken into the main building by fork lift truck (the forklift trucks do not have any beeping alarm sensors) (Building 1, Figure 1).
1.21	<ul style="list-style-type: none">• The meters and associated equipment will be sorted and evaluated by hand (Area B, Figure 2).
1.22	<ul style="list-style-type: none">• Meters and associated equipment will be moved to the triage, testing and refurbishment area by fork lift (Area C, Figure 2).
1.23	<ul style="list-style-type: none">• Meters and associated equipment failing the inspection criteria will be moved to the materials recovery area where they will be disassembled and the components recovered (Area D, Figure 2).
1.24	<ul style="list-style-type: none">• Plastics recovered from the recovery process will be moved to the granulating area and reduced into bulk bags ready for dispatch (Area E, Figure 2).
1.25	<ul style="list-style-type: none">• Metals from the recovery area will be prepared for dispatch (Areas B, and D, Figure 2).
1.26	<ul style="list-style-type: none">• Circuit boards from the recovery process will be packaged into bulk bags for dispatch (Areas B and D, Figure 2).
1.27	<ul style="list-style-type: none">• Collection transport will arrive and pass over the weighbridge, materials will be loaded onto the trucks by forklift trucks, the transport vehicle will

<p>1.28</p> <p>1.29</p> <p>1.30</p> <p>1.31</p>	<p>then pass over the weighbridge again and exit the site (Area A, Figure 2)</p> <ul style="list-style-type: none"> • The agent has confirmed operational hours will be limited to the hours of 08.00 and 18.00 Monday to Friday and 08.00 to 13.30 on Saturday. • The large area within Building 1 (with no identifying letter), will be fitted out with rack shelving for storage purposes. <p>All types of waste developments are defined as “major development” by Welsh Government (WG). As required by the Regulations, the applicant has undertaken pre-application consultation. This included publicising a draft of the proposed planning application and consultation with the community, ward members and specialist consultees. A Pre-application Consultation Report has been submitted with the planning application that outlines the steps taken to engage with stakeholders and any changes made to address any issues identified as part of the process. The application also includes a Design and Access Statement, a Waste Planning Assessment, a Transport and Travel Statement and associated plans.</p> <p><u>Environmental Impact Assessment</u> Some developments of this type require Environmental Impact Assessment. The application was therefore screened as required by Section 71(a) of the Town and Country Planning Act 1990 against the thresholds and the criteria contained in the Town and Country Planning (Environmental Impact Assessment (Wales) Regulations 2017. It was determined that the proposed development was not one that was likely to have significant environmental effects by virtue of its size, scale, nature and location. The screening opinion concluded that the application was <u>not</u> one that needed to be supported by an Environmental Impact Assessment.</p>
<p>2. Site History</p>	
<p>2.1</p>	<p>There is a history of minor planning applications associated with the training centre but nothing of relevance to the consideration of this application.</p>
<p>3. Consultation and Other Relevant Information</p>	
<p>3.1</p>	<p><u>Internal BG Responses</u></p>
<p>3.2</p>	<p><u>Team Leader Building Control:</u> Building Regulations approval required.</p>
<p>3.3</p>	<p><u>Service Manager Infrastructure:</u> Highways:</p>
<p>3.4</p>	<p>The submitted Transport and Travel Statement states the estimated HGV movements associated with the proposed business is 3 vehicles per day.</p>

	<p>The applicant has also confirmed that the existing business supports a car sharing policy. The car parking provisions and servicing needs of the development comply with the Authority's 'Access, Car Parking and Design' SPG.</p>
3.5	<p>In view of the submitted information the application complies with policy DM1 (3a,b, c and d). There are no objections subject conditions that require the provision of 9 cycle parking stands and to ensure the car parking and turning areas as shown on the submitted layout plan are retained for their specified use.</p>
3.6	<p><u>Service Manager Public Protection:</u> No objection subject to conditions that:</p> <ul style="list-style-type: none">- Require details of acoustic fence on the boundary between the site and residential properties prior to beneficial use of the site;- Restrict the arrival, departure, loading or unloading of vehicles within the yard area between 08.00 Monday to Friday and 08.00 and 13.00 on Saturdays; and- Control the noise levels emitted from Industrial and Manufacturing processes at the site.
3.7	<p><u>Head of Estates and Strategic Asset Management:</u> The property is currently owned by the Council. Terms have been agreed for sale to the applicant subject to planning permission being granted.</p>
3.8	<p><u>External Consultation Responses</u></p>
3.9	<p><u>Natural Resources Wales:</u> No objection subject to foul drainage connecting to mains sewerage system and the submission of a surface water drainage plan to ensure there is no contamination of nearby watercourses, this is likely to be required for the necessary environmental permit.</p>
3.10	<p><u>Tredegar Town Council:</u> No objections.</p>
3.11	<p><u>Welsh Water:</u> No objection.</p>
3.12	<p><u>Public Consultation:</u></p>
3.13	<ul style="list-style-type: none">• 11 letters to nearby houses• 1 site notice

	<ul style="list-style-type: none">• press notice• website public register of applications• ward members by letter• all members via weekly list of applications received• other
3.14	<p><u>Response:</u> 8 letters/emails of objection have been received. In summary the reasons for objecting are:</p>
3.15	<ul style="list-style-type: none">• There has been no consultation meeting with residents to discuss this proposal for opinions to be taken into account. Consultation has been carried out over Christmas when people have other things on their mind.
3.16	<ul style="list-style-type: none">• The entire village should have been consulted not just the nearest residential properties.
3.17	<ul style="list-style-type: none">• Lack of submission of environmental analysis report to assess impact upon the area or local residents.
3.18	<ul style="list-style-type: none">• Loss of value of residential properties and negative affect on saleability. Compensation would be sought.
3.19	<ul style="list-style-type: none">• The applicant's site in Rhymney 'is a disgrace' and 'a complete mess'.
3.20	<ul style="list-style-type: none">• The old training centre is the gateway to the industrial estate and creates the first impression. Everyone wants to see new jobs created but not as a rubbish store which if not tightly monitored would be an environmental disaster/health hazard so close to residential properties. Any officer dealing with the application should visit the Rhymney premises.
3.21	<ul style="list-style-type: none">• Rats could become an issue due to rubbish.
3.22	<ul style="list-style-type: none">• Lack of privacy. People from the yard will be looking straight into bedroom windows and gardens.
3.23	<ul style="list-style-type: none">• Noise and smell from the plant being so near to residential properties would be totally unacceptable. Sleep would be disrupted from operating hours which would affect resident's health and well-being. How would impact of noise from granulators and use of weighbridge be mitigated?
3.24	<ul style="list-style-type: none">• There are other more suitable units on the Industrial Estate which are further away from residential properties.
3.25	<ul style="list-style-type: none">• There were on average more than 300 fires per year at waste and recycling plants in the UK between 2001 and 2013. Approving the application would be knowingly putting residents at risk from fires.
3.26	<ul style="list-style-type: none">• Bryn Bach Park does not deserve to be blighted by an eyesore and heavy industrial traffic. The Park plays host to many sporting and charity events which would be unacceptably affected by the proposal.

3.27	<ul style="list-style-type: none"> The training centre was in operation Monday – Friday, 08:00 – 16:00 and created minimal disruption to the semi-rural surroundings. The area is quiet and an attractive place to live. A recycling unit would disturb the tranquil environment and would be an eyesore.
3.28	<ul style="list-style-type: none"> Safety concerns due to increased traffic. The two ways to get to the site will impact both the local residents and the local schools/nursery. The roads are presently congested during school times with people parking irresponsibly. This will be exacerbated with the increase of vehicles visiting the recycling centre.
3.29	<ul style="list-style-type: none"> The increase in traffic will increase pollution.
3.30	<ul style="list-style-type: none"> How will the impact to the surrounding residents and community be controlled?
3.31	<ul style="list-style-type: none"> Due to the materials being recovered there is a risk that the water system will be contaminated.
3.32	<ul style="list-style-type: none"> How will debris from the recycling centre be controlled?
3.33	<ul style="list-style-type: none"> How will residents be protected from future change of use for example to a household recycling centre?
3.34	<ul style="list-style-type: none"> Council Tax is £200 a month, apart from collecting bins the Council does nothing for the residents. ‘You sit behind desks and don’t realise the impact something like this will have on peoples lives’.

4. Planning Policy

4.1	<p><u>Team Manager Development Plans:</u> The Team Manager – Development Plans has raised no objection in principle to the proposed waste facility. Attention is however drawn to the need to consider both the benefits of the proposed development and its potential impacts on human health and the environment. Regard must also be had to the requirements of the waste hierarchy.</p>
4.2	<p><u>LDP Policies:</u> SP8 – Sustainable Economic Growth SP13 – Delivering Sustainable Waste Management DM1 – New Development DM4 – Low and Zero Carbon Energy DM10 – Use Class Restrictions – Employment DM20 – Waste SB1 – Settlement Boundaries EMP2.5 – Employment Protection Area T1.6 – Cycle Routes</p>
4.3	<p><u>PPW & TANs:</u> Planning Policy Wales (PPW) Edition 10 (December 2018)</p>

4.4	<p>Technical Advice Note (TAN) 21: Waste (2014) Waste Planning Practice Guidance Document (WG 2014)</p> <p><u>SPG (Supplementary Planning Guidance)</u> Access, Car Parking and Design (March 2014)</p>
5. Planning Assessment	
5.1	<u>Principle of Development</u>
5.2	<p>The Blaenau Gwent Local Development Plan (LDP) indicates that the site lies within the settlement boundary (Policy SB1) within which development is normally permitted subject to policies in the Plan and other material considerations. There are no known constraints according to the LDP Constraints Map.</p>
5.3	<p>The Town and Country Planning (Use Classes) Order 1987 (as amended) defines B2 uses as industrial processes other than one falling within class B1 but excludes incineration, chemical treatment or landfill or hazardous waste. I am satisfied the proposed use falls within the defined B2 Use Class.</p>
5.4	<p>The LDP protects Tafarnaubach Industrial Estate for employment use under Policy EMP2 and designates it as a primary site in the employment hierarchy (Policies EMP2.5 and DM10). Policy DM10 permits B1, B2, B8 uses and waste management facilities in primary employment sites. Policy SP13 (criterion 1b) encourages the provision of in-building treatment facilities on Primary and Secondary Employment Sites. Accordingly in land use terms the proposal complies with planning policies.</p>
5.5	<p>Notwithstanding the appropriateness of the proposed waste facility in land use terms, both national and local planning policies require the Council to consider the need for the proposed development and whether or not the use is a suitable site in terms of its associated impacts on amenity and the environment. Both of these matters are considered further below.</p>
5.6	<p><u>Need for the proposed waste facility</u> The proposed processes at the application site have been outlined earlier in my report (para's 1.12 – 1.30).</p>
5.7	<p>In terms of the provision of a waste facility, PPW states that the planning system has an important role to play in facilitating sustainable waste management by providing a framework which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses. This however has to be carefully balanced against minimising</p>

adverse environmental impacts and avoiding risks to human health, protecting areas of designated landscape and nature conservation from inappropriate development and protecting the amenity of residents and other users affected by existing or proposed waste management facilities. The potential impacts will be discussed in detail further on in my report.

5.8 The Welsh Government's policy for waste management is contained in Towards Zero Waste and associated documents. It identifies the two key objectives of the Welsh Government to move towards zero waste by 2025 and achieving zero waste by 2050.

5.9 The waste hierarchy provides the key starting point for all types of waste management proposals.

5.10 To explain, PPW and TAN 21 set out a vision of a "circular economy". In other words, it advocates wherever possible waste should be avoided. Where it is generated, then it is re-used or recycled. Only when these options are exhausted should energy from waste or disposal be considered. This approach minimises the impact on finite resources and the environmental impact.

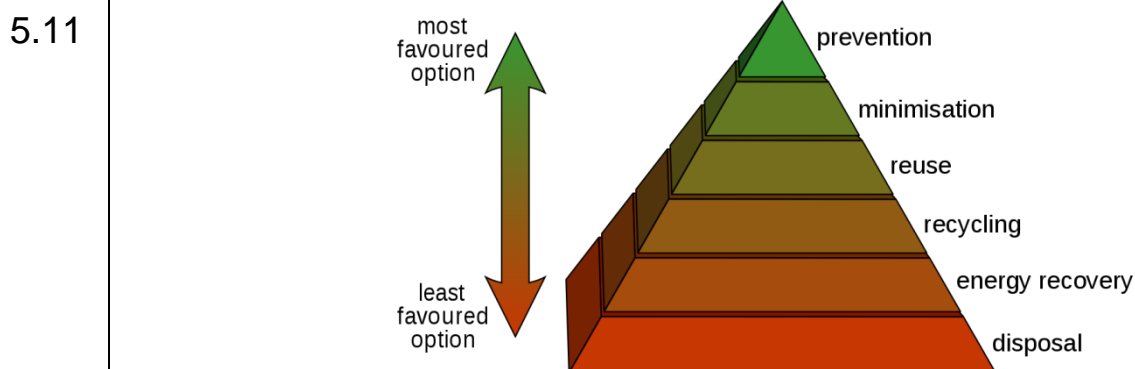


Figure 3 Waste Hierarchy (adapted from Figure 10 in PPW for clarity)

5.12 "Recycling" in a WG policy context is considered to be any recovery operation in which waste materials are reprocessed into products, materials or substances for their original or other purposes. It advocates that where feasible, priority should be given to the development of new infrastructure that promotes high quality, closed loop recycling, or upcycling, with a focus on dealing with separately collected materials.

5.13 DRS confirm in their Waste Statement that its main volumes of recycling and preparing for reuse comes from the 4250 tonnes of utility metres it receives each year. A larger premises is required in anticipation of the significant increase in the Smart Meter replacement scheme as 52 million metres are

due to be replaced by Smart Meters.

5.14 The proposed development involves 50% recycling and 50% storage, distribution and refurbishment of utility metres. The latter process puts it high up in the Waste Hierarchy as it involves preparation for reuse. The other 50% involves recycling which sits in the middle of the hierarchy. Only a small element involves a Physical Treatment Facility which is the granulating of plastics from the utility meters. Whilst the granulating of the plastic reduces its mass it does not change the actual make-up of the product i.e. it is still a plastic. Physical treatment aims to reduce the volume of waste disposed of to landfill through the separation of waste fractions and different waste materials for onward processing, recycling and recovery operations.

5.15 The submitted Waste Planning Statement submitted with this application states that in the case of the proposed operation 98% of materials are recovered with only 2% going to landfill. This represents a significant contribution to an overall reduction in commercial and industrial waste to landfill.

5.16 This proposal is classed as a WEEE Treatment Facility by WG as (subject to being granted the necessary licences/planning permission) it would receive and treat Waste Electronic and Electrical Equipment (WEEE) as an Approved Authorised Treatment Facility (AATF's). The Waste Planning Practice Guidance Document (WG) which supplements TAN 21: Waste contains the table below which identifies the benefits of AATFs:

5.17

3.5.4 Benefits Table 3(k) – Benefits of AATFs		
Environmental	Economic	Societal
High potential for re-use and preparation for re-use activities	Capturing materials and metals for further processing.	Options for the preparation of reuse of WEEE can bring good community returns, and link into digital inclusion programmes.
Retains finite resources including precious metals within the economy (reduces need for extraction)	WRAP estimates that the material value of WEEE disposed of in the UK at the current time is in the order of £1.4 billion per annum.	
Employment		

	<p>opportunities will depend on the nature and scale of the facility, but there are examples in Wales of manual AATF's employing over 70 people, with employment at automated plants somewhat less than this</p>		
	<p>Allows landfill diversion.</p>	<p>Supports local re-processors</p>	
	<p>Increases volume of waste recycled</p>		
	<p>Improved carbon reduction compared to landfill</p>		
<p>5.18</p>	<p>The WG Collections, Infrastructure and Markets Sector Plan "Towards Zero Waste" (2012) stated that in 2010 around 101 thousand tonnes of WEEE was treated at 15 treatment facilities. This was in excess of the estimated arising of 74 thousand tonnes for Wales.</p>		
<p>5.19</p>	<p>However para 2.3.8.3 of the same document states '<i>WEEE is the fastest growing waste stream in the UK but it is not possible to forecast with any certainty what future arisings may be. If the proposed recast of the WEEE EU Directive is implemented as planned, then it would mean that greater quantities of WEEE would need to be prepared for reuse/recycle.</i>' The WEEE EU Directive was implemented as planned in 2012 which set targets for the collection and recovery of waste and electrical and electronic equipment across Europe and to divert volumes of waste electrical equipment from landfill.</p>		
<p>5.20</p>	<p>Whilst I am unable to locate any more recent figures/targets regarding current WEEE recycling rates for Wales, the WG Towards Zero Waste 2010-2050, Progress Report 2015 refers to the EU Directive and its requirement to set more ambitious targets for the collection of WEEE (and for its recycling and recovery) from 45% from 2016 increasing to 65% from 2019. Since the publication of this document it would be reasonable to assume, given the declared Climate Emergency that recycling rates must be retained/increased</p>		

	beyond what was sent out in 2015.
5.21	<p>In terms of local planning policies, Policy DM20 Waste of the LDP is also a relevant consideration in this application and identifies a number of criteria that need to be met in this instance. Criteria b requires proposals involving the sorting and processing of waste to be carried out within a purpose built or appropriately modified existing building unless it can be demonstrated that part or all of the proposed operation can only be carried out in the open. <u>All sorting and processing of waste proposed with this application will be contained within the existing buildings.</u> Criteria c. requires that the built development associated with the proposed methods of handling storage treatment and processing of waste is appropriate for the nature and hazards of the waste(s) concerned. NRW have not raised any objections in this respect but have noted that an environmental permit will be required.</p>
5.22	<p>Given that WEEE is the fastest growing waste stream in the UK and the growing pressure both nationally and internationally to increase recycling rates, I am satisfied there is an identified need for the proposed waste facility which meets the strategic aims of national waste management policy, the requirements of the waste hierarchy and the provisions of local planning Policy DM20. This proposal will help to drive up commercial recycling rates making a contribution to the two key objectives of WG.</p>
5.23	<p>In addition to the above, it should be noted that PPW acknowledges the waste sector as being essential to the economy (paragraph 5.4.2). The proposed waste facility would in itself have a local economic benefit, with an estimated 60 jobs being created.</p>
5.24	<p><u>Impact on Visual Amenity</u></p>
5.25	<p>The site is not covered by any statutory environmental designations. It is within 1km of Bryn Bach Park (a designated SINC) however it is not highly visible from the Park. There are no historical assets on or within close proximity to the site.</p>
5.26	<p>It should be noted that the site and associated buildings have been in existence and formed part of Tafarnaubach Industrial Estate for many years (well in excess of 40 years). There are very minimal external changes proposed to Building 2 that would not be visible from outside of the site. Accordingly there will be no different impact in terms of visual appearance of the buildings.</p>
5.27	<p>However, I am mindful that residential properties adjoin the southern boundary of the site and are separated only by a palisade fence. The area</p>

	<p>between the fence and Building 1 would be used as a delivery yard. Objections have been raised regarding the visual impact in terms of the occupiers of the adjoining residential properties looking into the yard area and lack of privacy. To address these concerns the applicant has confirmed the only outside storage will be to the rear of Building 2 where it will not be visible from the residential properties nor from outside of the site and proposes the erection of a 2m high timber screen fence on this boundary to screen residents from the yard area. Not only will this provide screening of the site it was also provide some noise mitigation. I consider that the provision of a 2m high fence (which must be conditioned to be erected before the site becomes operational) and the imposition of a condition to control external storage of materials, product or waste would mitigate the visual impact concerns raised to a level which is considered to be appropriate from a planning perspective especially in the context that the properties lie adjacent to the industrial estate.</p>
5.28	<p>I note the comments from objectors regarding the visual appearance of the applicant's current premises. I would comment that at the time of my visit to the Rhymney premise I did not consider it to be an eyesore when considering it is part of an industrial estate. Furthermore the applicant acknowledges that they require more space as the business is expanding, hence this current application.</p>
5.29	<p>I am therefore of the opinion that subject to the aforementioned conditions, the proposed waste facility would not have an unacceptable adverse impact on the character, appearance or visual amenity of the surrounding area and accordingly, would be in accordance with Policies DM1 and DM2 in relation to the matter of visual amenity.</p>
5.30	<p><u>Impact on Amenity, Environment and Health</u></p>
5.31	<p>The Waste Planning Practice Guide, which supplements TAN 21: Waste (February 2014), indicates that the typical impacts associated with AATFs relate to noise and vibration from vehicle movements, shredding and dismantling and air emissions where the treatment of WEEE involves the removal of hazardous materials (see section 5.2.5).</p>
5.32	<p>LDP policy DM10 requires that there will be no unacceptable adverse environmental impact from dust and emission; birds and vermin, odours; noise and litter that cannot be appropriately controlled by mitigating measures and Policy DM1(2) also seeks to ensure that development proposals do not have an unacceptable impact on amenity.</p>
5.33	<p>As previously described the proposed waste facility would be located</p>

	<p>immediately adjoining a number of residential properties. It should however be acknowledged that the majority of these properties were constructed after Unit 2 was constructed. Therefore the occupiers of these properties moved into/bought their properties in full knowledge they were adjoining an Industrial Estate where lower standards of amenity might reasonably be expected. Nonetheless the potential impacts on the occupiers of the residential properties must be considered.</p>
5.34	<p>The agent has confirmed that the processes involved <u>do not</u> produce airborne dust/emissions/odours, biodegradable waste, discharge to the foul sewer or the removal of hazardous materials at the site. All recycling processes will be carried out within the buildings. The main potential impacts are therefore limited to noise/vibration from vehicles and granulating the plastics. One objector has also raised concerns regarding air quality impacts from additional traffic.</p>
5.35	<p>In terms of traffic noise/vibration HGVs and staff vehicles will access the site via the existing access. Whilst the arrival and departure of staff will generate noise, the parking areas are in front of Buildings 1 and 3 and are unlikely to cause any unacceptable noise disturbance. HGV's are naturally noisier and will be driven in close proximity to the residential properties. It is acknowledged that these vehicle movements and driving over the weighbridge could cause unacceptable noise disturbance for the occupiers of the residential properties depending on the time of day they will arrive at/leave the site. To address such concerns the agent has agreed to the imposition of a condition that will prevent HGV's entering/leaving the site between the hours of 08.00 and 18.00 Monday to Friday and 08.00 to 13.30 on Saturday. Whilst this type of restriction is not usual for industrial units, given the specific site circumstances it will ensure there will be no unacceptable noise disturbance to occupiers of residential properties from vehicles at unreasonable hours. The erection of a 2m high timber fence will also provide some additional noise mitigation from both the vehicle movements and other activities on the site. Details of such fencing will need to be submitted to ensure Environmental Health is satisfied the fence will be sufficient in providing satisfactory noise mitigation.</p>
5.36	<p>The granulating of plastic is another noise source. Having visited DRS existing premise in Rhymney with the Council's EHO we experienced the noise levels that arise from this activity. Whilst it is readily audible in close proximity, the noise level fades considerably as you move away from the machine. The granulator proposed at the application site will be located in building 2 in a partitioned section furthest away from the residential properties. The granulator is placed on pads to avoid vibration and has a</p>

	<p>large vacuum bag attached which collects dust (no flues are required). The EHO has confirmed that he has no objections in respect of noise from the granulator subject to the mitigation measures being conditioned i.e. alterations to the door openings of building 2, control over times HGV's enter and exit the site and the installation of timber screen. He has also confirmed that if noise does become an issue there are additional noise mitigation measures that can be required under Environmental Health legislation. Whilst I do not consider it to be necessary to restrict operational hours of the site due to the fact Unit 2 is on an industrial estate where such restrictions would not normally be in place, I do find it necessary to prevent any granulating of plastics outside the hours of 08.00 and 18.00 Monday to Friday and 08.00 to 13.30 on Saturday to ensure this activity does not give rise to any unacceptable noise nuisance.</p>
5.37	<p>With regards to air quality, the Environmental Health Officer (EHO) has raised no concerns resulting from associated traffic movements. The EHO has also confirmed that whilst the operator doesn't intend undertaking the removal or storage of any hazardous materials at the site which may give rise to release of emissions (this will be retained at the premise in Rhymney), should this change in the future this would be regulated by NRW. Accordingly, I am satisfied that the proposal would not result in airborne emissions that would adversely affect the health and amenity of the surrounding area.</p>
5.38	<p>I do not foresee any issues with the proposed operations attracting birds or rats, as there will be no green/food waste brought to the site. The proposal would not, in my view, result in unacceptable amenity impacts relating to odour, vermin or birds. However, adequate control would have to be exercised over any approved use of the site to avoid other types of waste being brought to the site to avoid any issues regarding odour, vermin or birds arising. This is discussed below.</p>
5.39	<p>Concern has been raised by residents in exercising control over future changes of use/occupiers at the site. I share this concern in respect of the potential blanket approval of a B2 use. I fully acknowledge that in land use terms policy Policy DM10 permits B2 uses and waste management facilities in primary employment sites (subject to other material planning considerations) and that B2 Use Class covers general industrial uses which can create significant noise, dust and vibration impacts and give rise to airborne emissions. Whilst I consider the potential impacts from this specific B2 use would not have an unacceptable impact on amenity that is not to say that a different B2 use wouldn't give rise to impacts that would be unacceptable in such close proximity to residential properties. For this</p>

	<p>reason I consider it necessary to restrict the use of the buildings/site to that described and for no other purpose within Use Class B2. This approach has been discussed and agreed with the agent. This would prevent the premises being used for an alternative use that may potentially have impacts that have not been considered and would be unacceptable in this location.</p>
5.40	<p>It is noted that one objector is of the opinion that the application lacks the submission of an Environmental Analysis Report to assess impact upon the area or local residents. As part of the planning application process a number of specialist consultees are consulted to assist me in assessing any potential impacts that may arise from the proposed development as can be seen in the Consultation section of this report. None of the specialist consultees requested additional information in order to assess the application. As explained earlier in my report an Environmental Impact Assessment was not required with this application.</p>
5.41	<p>I am therefore of the view that subject to conditions the proposed development would not have an unacceptable impact on the amenity of the users of the industrial estate, the occupiers of residential properties within the surrounding area. As such, the proposal is considered to comply within policies DM1 and DM20 in respect of these matters.</p>
5.42	<p><u>Highways and Parking</u></p>
5.43	<p>The site will be accessed via the existing access off the spine industrial road. The existing car park arrangements to the front of the site will remain unchanged.</p>
5.44	<p>In terms of vehicle movements the Transport Statement estimates that 3 HGV's (40 tonne articulated trucks) will visit the site a day. The logistics company that DRS currently use to transport WEEE is also located on the Tafarnaubach Industrial Estate. The agent states this means that the HGVs would have to go past Unit 2 to service the facility regardless of where it was located thus potentially dramatically reducing the distances covered on local roads. Should the logistics company change, I consider the volume of traffic servicing this facility to be insignificant in the context of what already accesses the whole estate on a daily basis.</p>
5.45	<p>It is estimated that Unit 2 will have 60 staff in attendance at any one time. DRS promote a car sharing policy and all staff start and finish at the same time to allow for the effective use of shared vehicles. In addition the company encourages a ride to work facility and will have the provision for the safe storage of 20 bikes.</p>

5.46	<p>Concern has been raised regarding the impact on highway safety due to the vehicle movements associated with the business, especially on routes to the nearby school and nursery where people park inconsiderately to drop off/pick up children.</p>
5.47	<p>I have discussed these concerns with the Team Leader Built Environment (Highways) and he has confirmed that the traffic movements associated with the proposed use is comparable to those for the previous use of the building. In any case, the existing highway network serving Tafarnaubach Industrial Estate can easily accommodate the development proposal. He also confirmed there are no restrictions to traffic on the access roads serving the development. With regards to the issue raised of inconsiderate parking near schools he also stated that following the transfer of civil parking enforcement powers from Gwent Police, the Council periodically attends Bryn Bach Primary School to provide civil parking enforcement to ensure parking compliance with traffic regulations.</p>
5.48	<p>The Team Manager Built Environment (Highways) has raised no objection in respect of the proposed development subject to conditions outlined in the consultation section of this report. I share his view that the proposal would not have an unacceptable impact on the safe, effective and efficient use of the highway network. In addition, adequate parking, servicing and operational exists for the proposed development. Accordingly, subject to conditions I consider the proposal to be in accordance with Policies DM1(3) in respect of these matters.</p>
5.49	<p><u>Drainage</u> No changes are proposed to foul or surface water drainage at the site. It is noted that NRW may require details of surface water drainage to ensure there will be no contamination of the nearby watercourse, however this will be addressed (if necessary as all operations are carried out within existing buildings) as part of any environmental permit.</p>
5.50	<p><u>Other Matters</u> It is important to note that the operational impact of a proposed waste disposal or waste recovery operation (falling within the definition of a regulated facility under the Environmental Permitting (England and Wales) Regulations 2010 (as amended)) which this development is, is considered and regulated by the permitting authority (NRW) and controlled through conditions established by any environmental permit that is issued. Account needs to be taken of the ability of environmental permits to control the operations of waste facilities and its interactions with the environment and planning should not duplicate controls more appropriately imposed as part of</p>

	<p>any permit. Although it is considered appropriate to consider complementary conditions which should be attached to a planning consent.</p>
5.51	<p>In respect of public consultation, a number of responses received related to the devaluation of residential properties. This is not a material planning consideration.</p>
5.52	<p>Fire risk was also raised. All developments have a risk of fire. I can confirm the South Wales Fire Service receive a copy of the Weekly List of planning applications and have not made any comments on this application.</p>
5.53	<p>Comments were received regarding lack of consultation with residents and the Council was criticised for undertaking their statutory consultations over the Christmas period. The applicant carried out mandatory consultation with the public as part of the Pre-Application Consultation Process prior to the submission of the planning application to which a number of residents responded. The Council advertised the application in accordance with relevant legislation and sent letters to the residents on 9th December 2019 some weeks prior to the Christmas period. It is not practical to delay consultation when an application is made valid, however any requests to extend the period in which to respond are accommodated if possible. The Council is not required to carry out public meetings as part of the application process although members of the public are able to discuss the application with the case officer. An offer was also made to a resident that I would meet a small group of residents at the Civic Centre if required to discuss the application. At the time of writing this report that invite has not been taken up. Despite the letters coinciding with the festive period, the opportunity to submit representations remains available to residents at the time of writing and up to our normal deadline of 48 hours prior to Planning Committee.</p>
5.54	<p>In respect of the objection that more suitable sites are available for the development the LPA are duty bound to determine the application as submitted. It is not the role of the Planning Committee to consider the merits (or otherwise) of alternative sites.</p>
5.55	<p><u>Conclusion</u> In summary, the proposed waste facility is considered to be justified in terms of need and would represent an acceptable form of development in land use terms. This proposal would also see the re-use of a redundant building on an existing industrial estate that will create employment opportunities.</p> <p>Subject to the imposition of conditions to ensure appropriate mitigation is</p>

5.56	<p>provided/control exercised over the site operations in terms of screen boundary fencing, operating hours, noise controls and restricting outside activities, I am of the view that the proposal would not have an unacceptable impact on the character and appearance, health or amenity of the surrounding area. I am also satisfied that the proposed waste facility would not have an unacceptable impact on the local natural environment or the safe and efficient use of the local highway network.</p> <p>On such basis I am of the opinion that, the proposed development would be in accordance with Policies SP8, SP13, DM1, DM2, DM4, DM10, DM20, SB1, EMP2.5.</p>
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6. 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. Conclusion and Recommendation

7.1	<p>Planning permission be GRANTED subject to the following condition(s):</p> <ol style="list-style-type: none"><li data-bbox="225 1458 1506 1760">1. The development shall be undertaken in full accordance with the approved plans:<ul data-bbox="272 1547 1506 1760" style="list-style-type: none">- OS MAP, Drg No 655.05, stamped received 02/12/2019- Proposed Site Plan, Drg No 655.06A, stamped received 16/12/2019- Proposed Plan, Drg No 655.07, stamped received 12/12/2019- Proposed Plan, Drg No 655.04, stamped received 12/12/2019- Weigh Bridge Details, stamped received 02/12/2019<p data-bbox="320 1805 1506 1883">Unless otherwise specified or required by conditions listed below. Reason: To clearly define the scope of this permission.</p><li data-bbox="225 1928 1506 2007">2. The application site and associated buildings shall be used for the recycling and recovery of WEEE (Waste Electronic and Electrical
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Equipment) and associated WEEE materials and products and for no other purpose including any other use Class in B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 [or any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification].

Reason: To ensure no alternative use is made of the premises that may cause harm to amenity.

3. There shall be no arrival, departure, loading or unloading of vehicles within the yard area (outlined in green on the approved plan) or granulating of plastic other than between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 13.00 on Saturdays.

Reason: To ensure the amenities of occupiers of nearby residential properties are protected.

4. Prior to beneficial use of the site, details of the timber fence on the boundary marked X-Y on the approved 'Proposed Site Plan, Drg No 655.06A, stamped received 16/12/2019' shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be erected in accordance with such details as may be approved prior to the site becoming operational. The fence shall be retained in perpetuity.

Reason: To ensure the amenities of occupiers of the nearby residential properties are protected.

5. The alterations to door openings on the building marked up for use as 'Storage and Granulates' on the approved plan 'Proposed Plan Drg No 655.07, stamped received 12/12/2019' shall be completed in full accordance with the details as approved prior to beneficial use of that building.

Reason: To ensure the amenities of occupiers of the nearby residential properties are protected.

6. Prior to the site being brought into beneficial use details of the provision of 9 cycle stands are to be submitted and approved in writing by the Local Planning Authority. The cycles stands shall be installed in accordance with such details as may be approved prior to the site being brought into beneficial use.

Reason: To encourage sustainable modes of transport.

7. The areas indicated for parking, access, loading/unloading and turning as indicated on the approved plans shall be kept available for their designated purpose and no other purpose at all times.

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

8. No other area other than the area indicated for granulating of plastics on the approved plan 'Proposed Plan Drg No 655.07, stamped received 12/12/2019' shall be used for the granulating of materials.

Reason: To ensure the amenities of occupiers of the nearby residential properties are protected.

9. The rating level of the noise emitted from Industrial and Manufacturing process located at the site shall not exceed the existing background level at any premises used for residential purposes when measured and corrected in accordance with BS 4142: 2014.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

10. There shall be no outside storage of any materials, products of or refuse other than in the area hatched in red on the approved 'Proposed Site Plan, Drg No 655.06A, stamped received 16/12/2019'.

Reason: To ensure the visual amenity of the surrounding area is protected.

11. The development shall begin not later than five years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of The Town and Country Planning Act 1990.

Informatives

1. The developer is reminded of his/her obligation under the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 to give notification of commencement of development to the Local Planning Authority and to display a notice at all times when the development is being carried out.

2. The applicant/developer is advised that you are responsible for ensuring that you secure all other permits/consents relevant to the proposed waste management facility. Further advice can be sought from Natural Resources Wales on 0300 065 3000 or via email at enquiries@naturalresourceswales.gov.uk.

8. Risk Implications

8.1	In the event planning permission is refused the applicant may appeal to the Planning Inspectorate.
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Planning Report

Application No: C/2019/0280	App Type: Variation of Condition
Applicant: Mr D Meehan C/o agent	Agent: RPS Planning & Development Mr Dafydd Williams Suite 1-2 Park House Greyfriars Road Cardiff CF10 3AF
Site Address: Wauntysswg Farm Abertysswg Rhymney Tredegar NP22 5BQ	
Development: Variation of condition 3 of planning permission DNS/3213639 (30MW solar park, access road and ancillary development) to extend the life of the permission from 30 to 40 years.	
Case Officer:	Justin Waite



1. Background, Development and Site Context

- 1.1 The Welsh Minister for Housing and Local Government granted planning permission for a 30 MW solar park, access and ancillary development at Wauntysswg Farm on 31st July 2019. As the generating capacity of the solar park fell between 10 and 50 MW, the proposed development was classified as a Development of National Significance (DNS) and the application was made to the Welsh Government rather than the Local Planning Authorities (LPAs) of Blaenau Gwent and Caerphilly County Borough. However, applications to discharge and vary conditions relating to a DNS planning permission, other than those relating to the general condition limiting the duration of the planning permission to 5 years, fall to be determined by the LPAs². As such, both Blaenau Gwent and Caerphilly County Borough Councils have received separate but similar applications to vary conditions 3 of the planning permission for the 30MW solar park. Condition 3 states that:
- 1.2 *“This planning permission shall endure for a period of 30 years from the date when electricity is first exported from the solar farm to the electricity grid (‘First Export Date’). Written notification of the First Export Date shall be provided by the developer to the Local Planning Authority no later than 1 calendar month after that event.”*
- 1.3 This condition was imposed on the planning permission to reflect the temporary nature of the development and to clearly define its maximum duration. The applicant has, however, now applied to vary this condition to allow a temporary period of 40 years. The applicant has stated that since the DNS proposal was submitted in July 2018, solar technology has advanced rapidly with solar parks producing double the energy compared to five years ago. With improvements in technology and maintenance, it is also now considered possible for the lifespan of the solar park to increase from 30 to 40 plus years. The applicant remains of the view that, even with the increase in lifespan of the solar park to 40 years, the proposal remains temporary and fully reversible.
- 1.4 The solar park comprises of solar panel modules, inverters, a substation, a telecoms tower, security fencing, CCTV, underground cabling and access tracks (see Figure 1 below for the general site layout). A temporary site construction compound with office, storage area and car parking will also be required.
- 1.5 The site will be accessed from Wauntysswg Farm on the eastern boundary

² See Regulation 51 of The Developments of National Significance (Wales) Regulations 2016 for details of the types of applications treated as nationally significant development applications.

of the site and a new access track will be created off the B4256 at the north west corner of the site. The latter access track, which falls within the County Borough of Caerphilly, will be used for the construction and decommissioning of the site.



Figure 1 – General Site Layout

- 1.6 The application site is currently in agricultural use and covers an area of approximately 58 ha (143 acres). The site is irregular in shape, open in appearance and slopes in a south/southwesterly direction. The site's grassland fields are separated by fence lines and a number of drainage channels and small watercourses flow through the site into the Nant Tyswg. There are also the occasional groups of mature/semi-mature trees and scrub within the site, as well as conifer plantation woodland within the south eastern corner.
- 1.7 The application site is located approximately 600 metres to the south of Cefn Golau Cemetery. The Tredegar and Rhydney golf course lies immediately to the west and Abertysswg Mountain Road runs parallel to the site's eastern boundary. Adjoining land to the east, north and south of the site comprise of agricultural fields or unimproved grassland, while the Nant Tyswg River runs along the length of the western boundary. A section of public right of way (Restricted Byway – 339/24/1), also runs along the eastern boundary to the north of Wauntysswg Farm, which would need to be diverted in order to facilitate the solar park.

2. Site History			
	Ref No	Details	Decision
2.1	DNS/3213639	30MW solar park, access and ancillary development	Planning permission granted on 31 st July 2019
2.2	APP/X6910/A /96/510016/T	Appeal against refusal to grant planning permission for the recovery of agricultural land by means of an inert landfill operation	Appeal dismissed 11 th December 1996
2.3	96/0147	Recovery of agricultural land by means of an inert landfill operation	Planning permission refused on 16 th August 1996
3. Consultation and Other Relevant Information			
3.1	<u>Internal BG Responses</u>		
3.2	<u>Service Manager Infrastructure:</u>		
3.3	Landscape: Team Manager – Natural Environment has raised no objection to the proposal on the basis that the landscape impact would remain consistent with that already considered to be outweighed by the need for the solar park development.		
3.4	Ecology: The Council's Ecologist has raised no objection to the proposal subject to the biodiversity and ecological management plan being extended to cover the additional 10 year period.		
3.5	<u>Regeneration:</u>		
3.6	Destination Management: The Destination Management Officer has provided the same observations as previously outlined as part of the original application for the solar park development. Concerns were raised at the time in relation to the adverse impact on local visitor sites, the rights of network and other walking trails, the setting of Tredegar Cholera Cemetery Scheduled Ancient Monument (SAM), the local public house and local ecology.		
3.7	<u>External Consultation Responses</u>		
3.8	<u>Town / Community Council:</u> The same observations as previously outlined as part of original application for the solar park development have been highlighted. The proposal was opposed and concerns were raised in relation to the visual impact, glare, the		

	impact on Tredegar Cholera Cemetery SAM, the disposal of solar panels and the impact on the business of the local public house.
3.9	<u>Natural Resources Wales:</u> No objection raised to the proposal subject to the curlew habitat enhancement area condition which was attached to the original permission being re-imposed if planning permission is granted.
3.10	<u>Welsh Water:</u> No comment.
3.11	<u>Western Power and W&W Utilities:</u> The location of relevant apparatus within the locality of the application site has been highlighted.
3.12	<u>Coal Authority:</u> No specific comments in relation to the proposal but has requested that the ground stability condition which was attached to the original permission be re-imposed if planning permission is granted.
3.13	<u>Cadw:</u> No objection raised to the proposal but attention is drawn to the need for the LPA to consider whether the extension of time for the use of the solar park and the benefits of the energy produced continue to outweigh the adverse impact on the setting of Tredegar Cholera Cemetery SAM.
3.14	<u>GGAT:</u> No comments received.
3.15	<u>Public Consultation:</u> Strikethrough to delete as appropriate <ul style="list-style-type: none">● 10 letters to nearby houses● 5 site notice(s)● press notice● website public register of applications● ward members by letter● all members via weekly list of applications received● other
3.16	<u>Response:</u> No comments received from members of the public. A ward member has, however, raised an objection to the proposal based on the solar park's

	adverse impact on the landscape and the setting of Tredegar Cholera Cemetery SAM.
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4. Planning Policy

4.1	<p><u>LDP Policies:</u></p> <ul style="list-style-type: none"> • SP7 Climate Change • SP9 Active and Healthy Communities • SP10 Protection and Enhancement of the Natural Environment • SP11 Protection and Enhancement of the Historic Environment • SP12 Securing an Adequate Supply of Minerals • DM1 New Development • DM4 Low and Zero Carbon Energy • DM14 Biodiversity Protection and Enhancement • DM15 Protection and Enhancement of the Green Infrastructure • DM16 Trees, Woodlands and Hedgerow Protection • DM19 Mineral Safeguarding • SB1 Settlement Boundaries • ENV2 Special Landscape Areas • ENV3 Site of Importance for Nature Conservation • M1 Safeguarding of Minerals • M3 Areas where Coal Working will not be acceptable
4.2	<p><u>PPW & TANs:</u></p> <ul style="list-style-type: none"> • Planning Policy Wales (Edition 10, December 2018) • Technical Advice Note 8: Planning for Renewable Energy (July 2005) • Technical Advice Note 24: The Historic Environment (May 2017)

5. Planning Assessment

5.1	<p><u>Extension of the Solar Park's Operational Life from 30 to 40 Years</u></p>
5.2	<p>As planning permission has previously been granted for the 30 MW solar park by the Welsh Minister, the only matter now under consideration is whether the extension of the temporary period from 30 to 40 years is acceptable in planning terms. In support of this application the applicant has submitted a Planning Statement which highlights the following benefits of allowing the solar park to continue for an additional 10 years:</p> <ul style="list-style-type: none"> • Zero-emission renewable electricity contributing to Welsh Government renewable energy electricity, emissions and climate emergency commitments; • The continued production of safe, stable and affordable electricity for approximately 8,250 homes;

	<ul style="list-style-type: none">• The abatement of an additional 160,000 tonnes of CO₂;• Rural diversification and increased revenue from the energy sector to be spent in the local economy for an addition 10 years;• An increased community fund of up to £150,000;• The generation of further job opportunities through the continued maintenance of the site; and• A net gain in biodiversity through the ecological mitigation put in place and the reduced intensity of agricultural use.
5.3	<p>In terms of the solar park's adverse impacts, Members will recall that during the consideration of the original DNS planning application, the Local Planning Authority drew attention to the proposal's significant detrimental impact on the setting of the Tredegar Cholera Scheduled Ancient Monument (SAM) and its unacceptable visual impact on the character, quality and amenity of the landscape. The Planning Inspector also came to the view that the solar park would have a significant adverse effect on the local landscape and that it would considerably harm the character and distinctiveness of the rural location. In addition, the Planning Inspector was of the opinion that the proposal would cause harm to users of the public rights of way in the area and would have a significant adverse impact on the setting of the Tredegar Cholera Cemetery SAM.</p>
5.4	<p>The Welsh Minister did not, however, accept the Planning Inspector's recommendation that planning permission for the proposed solar park be refused. Whilst the Welsh Minister accepted the Planning Inspector's judgement on the extent of the aforementioned adverse impacts, she was satisfied that the impacts are temporary and fully reversible. Moreover, the Welsh Minister was of the opinion that the significant benefits of the solar park outweigh any harmful landscape or visual impacts, or any harm to the setting of the SAM.</p>
5.5	<p>No new or additional adverse impacts have been identified by any specialist consultees in relation to the proposed 10 year increase in the operational life of the solar park. In particular, no objections to the proposal have been raised by Cadw or the Manager of the Natural Environment Team as the adverse impacts on the setting of the Tredegar Cholera Cemetery SAM and the landscape remain the same as those considered by the Welsh Minister. The proposed increase in the operational life of the solar park would not therefore change the nature or magnitude of the proposal's adverse impacts highlighted above. It would simply extend the period of time over which they would persist and be experienced within the local environment.</p>

5.6	<p>The temporary and fully reversible nature of the impacts has already been accepted in principle by the Welsh Minister, and even though I recognise that 40 years is a considerable period of time, I have been unable to find any planning related definitions that stipulate a timeframe on what is or isn't considered to be 'temporary development'. The only alternative option available is to consider the Oxford Dictionary definition of the word 'temporary', which is stated to be "<i>lasting or meant to last only for a limited time</i>". The proposed variation of the condition would continue to limit the operational life of solar park and, in my opinion, the additional 10 years is not significant enough to justify reaching an alternative view on the temporary and reversible nature of the impacts.</p>
5.7	<p>LDP Policy SP7 provides in principle support for new low and zero carbon technologies and Planning Policy Wales (PPW) is clear in that planning authorities should give significant weight to the Welsh Government's targets to increase renewable energy generation (paragraph 5.9.17). I also note that the Welsh Government has declared a climate emergency in Wales and announced an ambition to reach net-zero carbon emissions by 2050 since PPW was adopted in December 2018.</p>
5.8	<p>Overall, I am satisfied that the principle of the solar park being temporary and fully reversible has been established by the Welsh Minister and that will remain the case whether the operational life is 30 or 40 years. I also note that Caerphilly County Borough Council have reached a similar view in approving the planning application they received to vary condition 3 on 5th December 2019. On balance, I am of the view that the proposed extension to the operational life of the solar park is acceptable when the benefits of the prolonged contribution to renewable energy targets and additional CO₂ abatement is weighed against the continuation of the adverse impacts on the landscape and the setting of Tredegar Cholera Cemetery SAM over the additional 10 year period.</p>
5.9	<p><u>Other Matters</u></p>
5.10	<p>It should be noted that in reaching the above decision, I have attached no weight to the increased community fund put forward by the applicant. The latter does not represent a planning obligation that is necessary to make the solar park development acceptable nor is it directly related to the development. As such, it does not meet the tests outlined in Regulation 122 of the Community Infrastructure Levy Regulations 2010.</p>
6. Legislative Obligations	
6.1	<p>The Council is required to decide planning applications in accord with the</p>

6.2	<p>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> <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>
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7. Conclusion and Recommendation

7.1	<p>Planning permission be GRANTED subject to the following condition(s):</p> <ol style="list-style-type: none"><li data-bbox="233 853 1508 1106">1. The development to which this permission relates must be begun not later than the expiration of 5 years beginning with the date on which the permission is granted. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.<li data-bbox="233 1155 1508 1621">2. The development shall be carried out in accordance with the details of the following approved plans and documents, except where amended by conditions attached to this planning permission:<ol style="list-style-type: none"><li data-bbox="304 1285 1449 1323">i. Drawing reference: JPW0888-DNS-005 DNS Site Application Plan;<li data-bbox="304 1330 1401 1368">ii. Drawing reference: JPW0622-WAU-002 Rev I Site Layout Plan;<li data-bbox="304 1375 1458 1413">iii. Drawing reference: 17/611/01 Tree Location and Constraints Plan;<li data-bbox="304 1420 1401 1458">iv. Drawing reference: 17/611/02 Rev A Tree Protection Plan; and<li data-bbox="304 1464 1508 1503">v. Drawing reference: JNY8819-01 Junction Layout and Visibility Splays. Reason: For the avoidance of doubt and to ensure compliance with the approved plans.<li data-bbox="233 1671 1508 1877">3. This planning permission shall endure for a period of 40 years from the date when electricity is first exported from the solar farm to the electricity grid ('First Export Date'). Written notification of the First Export Date shall be provided by the developer to the Local Planning Authority no later than 1 calendar month after that event. Reason: To ensure that the development is temporary with a maximum duration of 40 years.
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4. If the solar park hereby permitted ceases to export electricity to the grid for a continuous period of 12 months the developer shall notify the Local Planning Authority in writing. A scheme shall be submitted to the Local Planning Authority for written approval within 3 months of the end of the 12-month period, for the repair or removal of all infrastructure. The scheme shall include, as relevant, a programme of remedial works where repairs to infrastructure is required. Where removal is necessary the scheme shall include a programme for removal of all infrastructure approved under this permission, including details of site restoration measures following the removal of infrastructure. The scheme shall thereafter be implemented in accordance with the approved details and timetable.

Reason: In the interests of visual amenity and to ensure that the environmental effects of the decommissioning process are minimised and controlled.

5. Not later than 12 months prior to the end of this permission, a Decommissioning Management Plan shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for, inter alia, the removal of all infrastructure approved under this permission and the restoration of the site. The approved scheme shall be fully implemented within 6 months of the expiry of this planning permission.

Reason: In the interests of visual amenity and to ensure that the environmental effects of the decommissioning process are minimised and controlled.

6. Prior to the commencement of any works associated with this development full details of the precise siting, layout and design of the solar arrays, including cross-sections and details of non-reflective finishing materials, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

7. Notwithstanding the details shown on the plans hereby approved, prior to the commencement of development full details of the proposed invertors, district network operator substation and client substation shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

8. Notwithstanding the details shown on the plans hereby approved, prior to the commencement of development full details of the proposed lattice telecoms tower shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

9. Notwithstanding the details shown on the plans hereby approved, prior to the commencement of development full details of the mounted CCTV cameras and associated poles, including the precise siting thereof, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

10. All electrical cabling between the solar park and the grid connection shall be installed underground. Prior to the commencement of any works associated with this part of the development, details of the routes of underground cabling shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

11. No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be carried out in accordance with the requirements and standards of the written scheme.

Reason: To ensure that features of archaeological interest are protected and recorded where they cannot be physically preserved in situ.

12. No development or site clearance shall commence until the Local Planning Authority has been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a

watching brief can be conducted. No work shall commence until the Local Planning Authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the archaeological fieldwork being completed.

Reason: To identify and record any features of archaeological interest discovered during site works and to mitigate the impact of the works on the archaeological resource.

13. No development shall take place until an assessment of the stability of the land (and the surrounding area) has been carried out in accordance with a methodology which must first be submitted to and approved in writing by the Local Planning Authority. The results of such an assessment including any intrusive site investigation works identified as being necessary shall be submitted to the Local Planning Authority before works commence on site. If any land instability issues are found during the site investigation, a further report specifying the measures to be taken to remediate the site to render it suitable for the development hereby approved shall also be submitted to and approved in writing by the Local Planning Authority before works commence on site. The development shall not be brought into use until all the measures identified as necessary in any reports that are approved by the Local Planning Authority are implemented and the Local Planning Authority is provided with a validation report, signed by a suitably qualified person that confirms that such measures and/or works have been fully implemented.

Reason: To ensure that the development is implemented in a manner that gives due regard to ground stability issues.

14. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The submitted scheme shall include:
- i. Indications of all existing trees (including spread and species) and hedgerows on the land clearly identifying those to be lost or retained;
 - ii. Measures for the protection of retained trees or hedges throughout the course of development;
 - iii. Details of ground preparation, planting plans, number and details of species;
 - iv. Maintenance details for a minimum period of 5 years; and
 - v. A phased timescale of implementation.

The landscaping scheme shall be carried out as approved.

Reason: To ensure submission of an appropriate landscaping scheme and to secure a development that makes a positive contribution to the landscape and visual amenities of the area.

15. All planting or seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development or any alternative timescale that may be approved in writing by the Local Planning Authority before works commence on site. Any trees, shrubs or plants which within a period of 5 years from implementation of the planting scheme die, are removed or become seriously damaged or diseased, shall be replaced by one of the same species and size in the next available planting season.

Reason: To ensure timely implementation of an appropriate landscaping scheme.

16. No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following:-
- i. A risk assessment of any potentially damaging construction activities;
 - ii. Identification of “biodiversity protection zones”;
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features;
 - v. The times during construction when specialist ecologists need to be present on site to oversee works;
 - vi. Responsible persons and lines of communication;
 - vii. The role and responsibilities on site of an Ecological Clerk of Works or similarly competent person; and
 - viii. The use of protective fences, exclusion barriers and warning signs.

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

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

17. Prior to its construction, details of the bridge crossing the Nant Tysswg shall be submitted to and approved in writing by the local planning

authority. The development shall be carried out in accordance with the agreed scheme.

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

18. Notwithstanding any details indicated within the Ecological Mitigation Plan, no development shall be carried out until a final plan for a Curlew Habitat Enhancement Area has been submitted to and approved in writing by the local planning authority. The plan must include details of future monitoring and management. The Curlew Habitat Enhancement Area will be implemented in accordance with the approved details.

Reason: To protect biodiversity interests and ensure that a suitable curlew habitat enhancement area is provided.

19. Prior to the commencement of development, details of any temporary lighting for the construction period shall be submitted to and approved in writing by the Local Planning Authority. The temporary lighting shall be installed in accordance with the approved details for the duration of the construction period only. With the exception of the temporary lighting, no floodlights or any other form of external lighting shall be installed at the site.

Reason: To protect residential and visual amenity.

7.2

Informatives

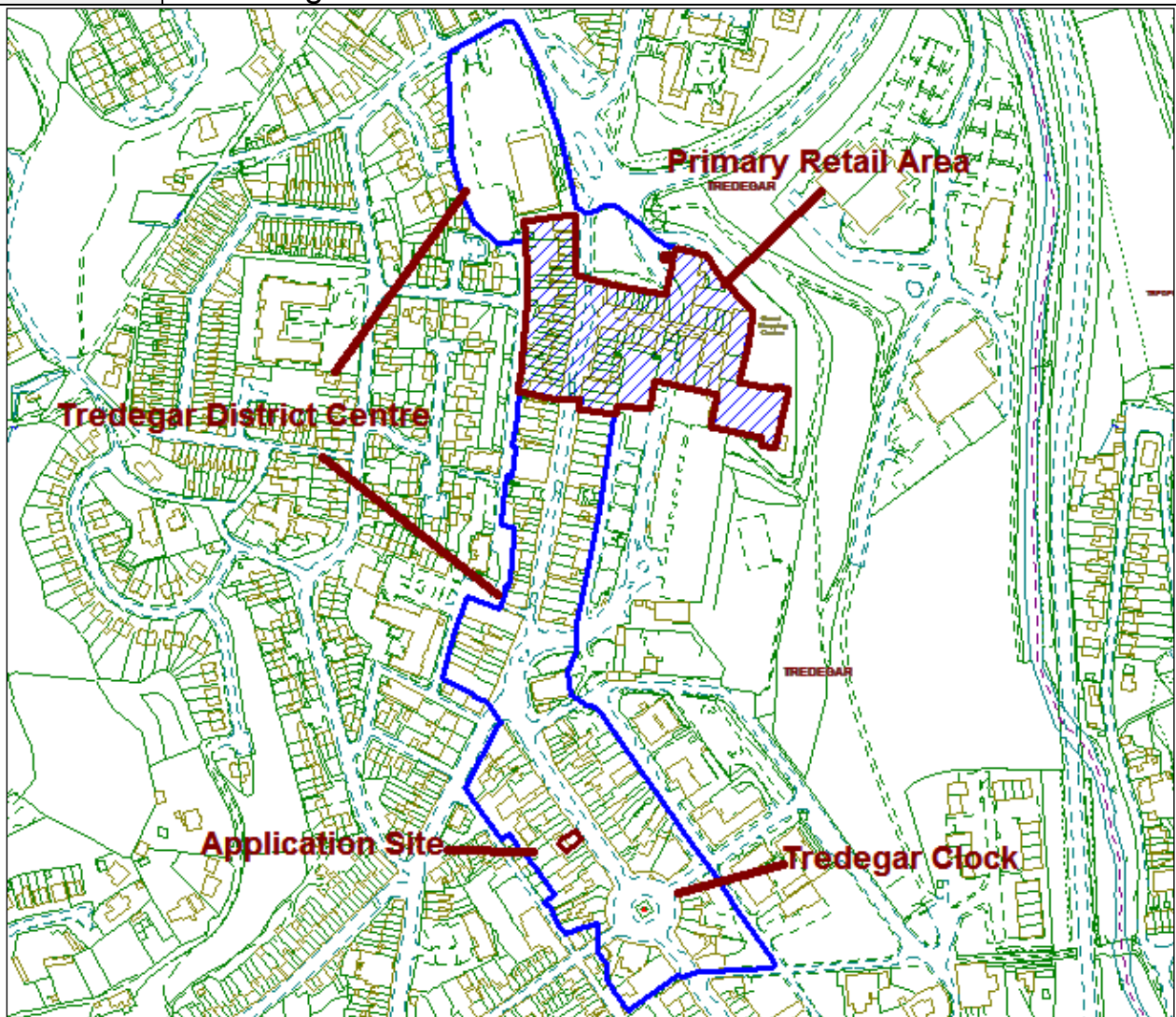
1. The applicant/developer is advised that this planning permission relates solely to that part of the solar park development within the boundaries of Blaenau Gwent County Borough.
2. The applicant/developer is advised that the development for which planning permission has been granted may require SUSTAINABLE DRAINAGE APPROVAL BEFORE WORKS COMMENCE ON SITE. This is a separate legislative requirement introduced by Schedule 3 of the Flood and Water Management Act 2010 which came into effect in Wales on 7th January 2019. Applications for sustainable drainage approval relating to developments in Blaenau Gwent are being processed by Caerphilly County Borough Council. Further information in relation to this requirement can be found at <https://www.blaenau-gwent.gov.uk/en/resident/planning/how-to-apply-for-planning-permission/permission-for-drainage/>

8. Risk Implications

8.1	Members are advised that if planning permission is refused contrary to officer recommendation, the applicant may appeal the decision with the Planning Inspectorate. A decision to refuse planning permission may prove difficult to defend in light of the Welsh Minister's decision to approve the original planning permission for the 30 MW solar park and Caerphilly County Borough Council's more recent decision to approve the variation of condition 3 to increase the operational life of the solar park from 30 to 40 years.
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Planning Report

Application No: C/2019/0269	App Type: FULL
Applicant: Mrs Ellie Morgan 117 Vale Terrace Tredegar	Agent: Plans Drawn Mr Anthony Collins 21 Park Place Pontmorials CF47 0DJ
Site Address: 10 Castle Street Tredegar NP22 3DE	
Development: Change of use from former butchers to bar and restaurant with internal adaptations and 3 no. external lights.	
Case Officer: Jane Engel	



1. Background, Development and Site Context			
1.1	This application seeks planning permission for the change of use of 10 Castle Street, Tredegar to a restaurant/bar with external lighting.		
1.2	The application site is at ground floor level with a storage area in the basement. The first and second floors accommodate two flats. It is located in the District Town Centre of Tredegar (but outside the primary retail area and within the Tredegar Conservation Area as defined in the Blaenau Gwent Local Development Plan (LDP). The adjacent property to the north is a hairdressers and to the south is a café.		
1.3	The proposed ground floor area will largely be taken up with the restaurant/bar area with a serving counter. A kitchen, storage area, unisex toilet and disabled toilet will be located to the rear of the premises. Whilst I have not personally been inside the building I understand from colleagues in Building Control that the majority of the internal works have been carried out. The proposed plans also show 3 angle lights over the fascia on the front of the building.		
2. Site History			
	Ref No	Details	Decision
2.1	3292	Conversion of shop to Indian & continental hot food takeaway	Approved 13.1.83
2.2	4209	Change of use of shop to amusement and gambling centre	Approved 13.1.83
2.3	5014	Change of use to hairdressing salon from use as amusement arcade	Approved 23.3.84
2.4	C/2016/0357	Installation of new shopfront and security gates	Approved 26.1.17
3. Consultation and Other Relevant Information			
3.1	<p><u>Internal BG Responses</u> <u>Team Leader Building Control:</u> Building Regulations required</p> <p><u>Service Manager Infrastructure:</u> Highways: No objections <u>Service Manager Public Protection:</u> No objections</p>		
3.2	<p><u>External Consultation Responses</u> <u>Town / Community Council:</u></p>		

Have raised concern regarding the following issues:

- a lack of soundproofing to the roof or ceilings and lack of double glazing;
- lack of disabled access and toilet
- no fire escape to the rear of the building

They indicated that information in such regard should be obtained before they could comment further.

They further advised however that one Member had noted that '*Tredegar was becoming very attractive for venues to eat and drink and the proposal as outlined seemed positive to increase that portfolio within the town centre*'.

Welsh Water

No objections

3.3

Public Consultation:

~~Strikethrough to delete as appropriate~~

- 7 letters to nearby properties
- site notice(s)
- press notice
- website public register of applications
- ward Members by letter
- all Members via weekly list of applications received

Response:

Five letters of objection have been received one of which is unsigned but purports to be from "disgruntled residents". The matters raised in correspondence can be summarised as follows:

- Works have already started to convert the shop
- Premises is advertised on facebook with opening dates
- There is only one toilet
- No disabled toilet
- No emergency and fire door
- No extractor fan
- No sound proofing
- No parking for beer dray
- Other similar properties in the vicinity
- Concerns over late night noise from the premises affecting occupiers of

	<p>flats</p> <ul style="list-style-type: none"> • No parking • There are already a number of Bars in the area and the proposal would result in more people spilling out onto the street at closing time <p>An e-mail has been received on behalf of 6 Tredegar Members (2 of which are members of the Planning Committee) objecting to the proposal on the grounds of:</p> <ul style="list-style-type: none"> • Noise Nuisance • Parking • Public order/anti-social behaviour <p>One further email was received from one of the Members clarifying his objection to the proposal:</p> <ul style="list-style-type: none"> • I am led to believe that it is a single glassed front also there is no noise insulation in the ceilings. • Anti-social behaviour – in the proximity of the area I believe that there are at least 15 licenced premises, and we all know that police resources are stretched and in fact there is very little police presence in the town centre at night at present.
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4. Planning Policy

4.1	<p><u>Team Manager Development Plans:</u> Planning Policy object to the proposal on the grounds that approval of this application would increase the percentage of A3 premises within the town centre (but outside retail core) to 25.5% which is above the 25% threshold allowed by the SPG.</p>
4.2	<p><u>LDP Policies:</u> <u>DM1</u> New development <u>DM5</u> Principal and District Town Centre Management</p> <p><u>Supplementary Planning Guidance Hot Food and Drink Uses</u></p>

5. Planning Assessment

5.1	<p>This application relates to a vacant property located within the Tredegar District Town Centre but outside the Primary Retail Area. The application which seeks permission to use the premises as a restaurant/bar use falls to be considered against Policy DM5 of the LDP and the further advice contained in the Council’s Hot Food and Drink Uses Supplementary Planning</p>
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	<p>Guidance (SPG).</p> <p>5.2 Policy DM5 of the LDP (which applies to the Principal Town of Ebbw Vale and the District Town Centres of Brynmawr, Tredegar and Abertillery) seeks to manage the uses of ground floor premises within defined town centres and primary retail areas. Of the four criterion that are listed under this policy only one is of direct relevance to this proposal i.e. criterion 'c' which states that 'A3 uses will not be permitted where they harm the vitality, viability and retail mix of the area as a result of a proliferation of this type of use'.</p> <p>5.3 The explanatory text to policy DM5 explains how the number and concentration of food and drink establishments should not dominate the town centre and therefore detract from the overall character and function of the centres. It also explained how the Hot food Takeaways and Public Houses Supplementary Guidance would be updated to provide further guidance in support of the policy.</p> <p>5.4 The Council adopted a Hot Food and Drink Uses in Town Centres SPG in October 2014. This seeks to expand and further explain those issues covered by the Policy and what criteria would be used to assess the acceptability (or otherwise) of relevant proposals. Paragraph 5.4 of the SPG gives more specific guidance on how such assessments should be made.</p> <p>5.5 The SPG advises that in order to minimise the impact or vitality and viability (of town centres) hot food and drink A3 uses should be directed outside the primary retail areas and concentrations or clusters of such uses should be avoided as they often have an adverse effect on the character of the area.</p> <p>5.6 The two guidelines advocated in the SPG as a mechanism to assess whether proposals are acceptable in this regard are the <u>numbers</u> of such units (as a percentage) and the <u>clustering</u> of A3 uses.</p> <p>5.7 The SPG recommends that outside the Primary Retail Area :-</p> <ul style="list-style-type: none">• <u>Guideline 1</u> - the number of A3 uses (including vacant buildings with former A3 use) should be no greater than 25% of the total number of retail units/buildings outside the Primary Retail Area; and• <u>Guideline 3</u> - no more than two A3 uses should be adjacent to each other in the Principal, District and Local Town Centres (*adjacent is clarified as properties being next door to each other).
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5.8	The Team Manager Development Plans has <u>objected</u> to the proposal on the grounds that approval of this application would be contrary to policy as it would increase the percentage of A3 premises within the town centre (but outside the primary retail area) to 25.5% which is 0.5% above the 25% threshold (Guideline 1) indicated in the adopted SPG.
5.9	Members are advised that this view has been reached on the basis of the results of a Town Centre survey undertaken in September 2019 by the Development Plans Team (as part of a routine annual monitoring survey of ground floor uses of units within town centres).
5.10	Notably detailed examination of the survey has highlighted that one of the A3 units included within 'current' number of A3 uses is one that is currently being investigated by this department as being potentially an unauthorised use. I have discussed this with the Team Manager Development Plans who has confirmed that the survey is a "live survey" which records what uses were operating on the day the survey is undertaken rather than being based upon what uses might be lawful at the time of the survey. This is the basis on which such surveys have consistently undertaken and upon which advice on related planning applications have been previously based.
5.11	Members will appreciate on the basis of the above that as the extent to which the current proposal would exceed the SPG threshold is low (0.5%), if the identified unauthorised unit (included in the current A3 survey results) was excluded from the survey results, the current proposal would fall <u>within</u> the threshold limits advised in the guidance and the policy objection based on Guideline 1 would fall away.
5.12	It must be acknowledged in such circumstances that the decision as to whether this proposal is acceptable in policy terms is therefore very finely balanced.
5.13	I am obviously minded of the concerns that the Town Council, the Borough Members who have submitted representations and other third parties have raised in relation to the proposal. Of those listed the most significant in my opinion (in terms of planning relevance) are those which indirectly refer to clustering and concentration of A3 units in the immediate vicinity of the application property. However whilst acknowledging that approval of the current application would result in an increased number of A3 uses along this section of street frontage, the recent survey has established that adjacent to 10 Castle Street is one A3 use (8/9 Castle St) and one A1 use (11 Castle Street). In such circumstances the use of the application premises for an A3 would not contravene the wording contained in the adopted SPG – which

	states that <i>'no more than two A3 uses should be adjacent to each other'</i>
5.14	On this basis I feel it would be difficult to defend at appeal any decision to refuse the current application on the grounds of concentration and clustering. (Guideline 3). The Team Manager Development Plans response supports that position in that she does not object to the development on such basis.
5.15	In terms of the other matters raised by objectors I have listed and responded to them briefly below :
5.16	<u>Internal works commenced/opening date advertised</u> Any works which the applicant may have undertaken at the property prior to gaining relevant permissions would have been undertaken at their own risk.
5.17	<u>Lack of parking</u> The site is in the Town Centre and the Highway Authority has raised no objections in this regard.
5.18	<u>Lack of sound insulation</u> Environmental Health have confirmed that they have no objections to the proposal and have not requested that any conditions are imposed that would require the provision of sound insulation. The flat at first floor, immediately above the proposed restaurant/bar would not have required planning permission as such development would be permitted development. Any requirement for sound insulation relative to its use as a flat may however have been covered by Building Control. Similar circumstances are likely to apply to other first floor flats over shops in the immediate vicinity. Whilst a development of this nature which might extend into the evenings may cause a level of noise disturbance in the area it must be accepted that the site is located within a town centre where the level of amenity that occupiers of any residential units might reasonably expect to enjoy will inevitably be less than those that occupiers might expect in a predominantly residential area.
5.19	Notably, there are other controls e.g. licensing and environmental health, that can regulate and control noise issues if problems arise in relation to the future use of the premises.
5.20	<u>Lack of fire doors</u> These matters are covered by Building Regulations and I understand that an application has been submitted to Building Control.

5.21	<p><u>Lack of toilets/disabled toilets</u></p> <p>The plans indicate toilet facilities at ground floor. However their suitability would be covered by Building Regulations.</p>
5.22	<p><u>Hours of opening</u></p> <p>These are covered by the Council in its role as the Licensing Authority. It is the long established practice of the Planning authority not to control the hours of operation of A3 premises under planning.</p>
5.23	<p><u>Anti-social behavior</u></p> <p>The police receive a copy of the Weekly Planning List and have not raised any concerns in relation to the proposal. The Licensing Authority also considers such matters when determining whether a license should be granted.</p>
5.24	<p>Finally, the planning application also relates to the provision of 3 angled lights on the frontage of the building. above the fascia. Having regard to the position of the property within the Tredegar Conservation Area such changes fall to be considered against the Conservation Area Appraisal and Design Guide SPG. The SPG advises that "swan neck" lights can be visually intrusive, particularly on listed buildings, and should be avoided. Limited details of the lights have been submitted and I propose a condition requiring details to be submitted to and approved by the Local Planning Authority prior to their installation to ensure that the lights preserve and enhance the Conservation Area.</p>

6. 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. Conclusion and Recommendation

- 7.1 This application relates to the conversion of a vacant shop in the town centre of Tredegar to an A3 (bar and restaurant) use. Based on recent survey information I am advised that such development would be contrary to adopted plan policies and guidance in that approval of such an use in this location would take the percentage of A3 units within the town centre (excluding the primary retail area) beyond the 25% threshold which has deemed to be acceptable in the adopted SPG. It could be argued on such basis that approval of this application has the potential to adversely affect the character of the area and adversely affect the vitality and viability of the town centre.
- 7.2 Notably I consider it appropriate for Members to determine for themselves what weight should be afforded to the fact that the advice of the Team Manger Development Plans is based on their recent survey and that they have included within the current A3 figures one unit which does not appear to be authorised. In making this judgement careful consideration needs to be given to what precedent might be set in relation to future applications for A3 uses in the Tredegar Town Centre Area and whether the decision made on this application is consistent with other decisions that have been made by the Authority in relation to A3 uses outside (and inside) the town centre in recent years.
- 7.3 Conversely it must be recognised that one strategic policy in the LDP – Policy SP3 (criterion 2a) supports the redevelopment and refurbishment of shops, offices and other commercial premises in order to improve the vitality and viability of the town centres. Planning Policy Wales Edition 10 (para 4.4.36) also clearly recognizes the need for planning authorities “*to assess retail and commercial centre performance and the effectiveness of development plan policies by monitoring their health*” and “*to consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels*”. Based on the fact that the recent LDP Annual Monitoring Report revealed that the overall vacancy rate of the district centre of Tredegar in 2019 was found to be 20% Members may feel that the benefits of seeing another property brought back into use might justify supporting the current proposal. The fact that the vacancy rate for the town centre of Tredegar overall is significantly higher than other District Centres (excluding Blaina) and the fact that the applicant has committed to investing significantly (at her own risk) in bringing the property back into beneficial use may add weight to such an argument. Survey records made by planning policy indicate that the application premises have been vacant since circa 2009. In summary, I am of the view that this is a very finely balanced case.

7.4	<p>However having regard to the issues covered in this report, the potential economic activity benefits that might accrue from the development and the potentially challengeable basis upon which the small exceedance over the 25% threshold for A3 uses in the town centre (outside the primary retail area) has been established, I consider it may be difficult to justify the refusal of the current application and defend such decision at appeal. In conclusion I recommend approval of the application subject to conditions.</p>
7.5	<p>Planning permission be <u>GRANTED</u> subject to the following condition(s):</p> <ol style="list-style-type: none">1. The development shall be completed in full accordance with the following approved plans and documents:<ul style="list-style-type: none">• Proposed plan received 30th October 2019• Site location plan received 1st October 2019<p>Reason: To clearly define the scope of this permission.</p>2. No sound amplifying equipment which is audible outside the premises shall be used in association with the approved use.<p>Reason: To safeguard the amenities of occupiers and the users of nearby properties.</p>3. Use of the premises shall be restricted to uses falling within Class A3 of the Schedule to the Town & Country Planning (Use Classes) Order 1987.<p>Reason: To define the scope of this permission.</p>4. Prior to their installation the applicants shall provide scaled drawing of the external lights to be installed on the frontage of the building for the approval of the Local Planning Authority. The development shall be completed in accordance with such details as approved.<p>Reason: To clearly define the scale and design of the lighting for which planning permission is to be granted.</p>
8. Risk Implications	
8.1	None

Planning Report

Application No: C/2019/0346	App Type: Full
Applicant: Tai Calon Community Housing Solis One Griffin Lane Blaina NP13 3JW	Agent: Stride Treglown Mr Jonathan Pritchard Treglown Court Dowlais Road Cardiff CF24 5LQ
Site Address: Site of former sheltered housing at Glanffrwd Court and adjacent land at Cae Melyn and Rhiw Wen, Ebbw Vale	
Development: Affordable housing development of 23 dwellings including new access road, landscaping and associated engineering and drainage works.	
Case Officer:	Steph Hopkins



1. Background, Development and Site Context

- 1.1 The application site
- 1.2 This application relates to an irregular shaped parcel of land which incorporates 3 distinct areas for redevelopment for residential purposes³:
- the former sheltered housing accommodation site Glanffrwd Court;
 - a parcel of land between to 22 and 23 Rhiw Wen; and
 - a parcel of land to the north of the existing bungalows at Cae Melyn.
- 1.3 The entire application site sits within an existing residential settlement and includes areas of green space with a number of trees, footpaths and small areas of hardstanding used for the parking of vehicles. Vehicular access to the site is gained via the existing road Rhiw Wen, off Glanffrwd Terrace.
- 1.4 The land of the former sheltered housing accommodation Glanfrwdd Court is currently vacant following its demolition and is enclosed by a timber hoarding. This parcel of land slopes gently from north to south and west to east with a fairly level area in the middle where the Glanffrwd Court building sat. The grassed land to the south of the former Glanfrwdd Court buildings falls away more steeply towards Lilian Grove. Glanffrwd Court was constructed in 1976 as purpose built sheltered housing. It was two-storey, had 22 studio flats and 5 one-bedroom flats as well as a guest bedroom and wardens accommodation. There were spacious grounds around the building including a fenced rear garden with green house and a car park to the front facing Glanffrwd Terrace. This part of the site is bound by residential properties to the north, east and west and Lilian Grove road to the south of the site.
- 1.5 The parcel of land between 22 and 23 Rhiw Wen is rectangular, slopes gently from west to east and is grassed with a number of trees. It fronts Glanffrwd Court and is bound to the north and west by the side elevations of 22 and 23 Rhiw Wen respectively, with Rhiw Wen road to the south and the site of the former sheltered housing beyond.
- 1.6 The parcel of land to the north of the existing bungalows at Cae Melyn is at a higher level than the bungalows with the land falling gradually from north to south and west to east. It is currently grassed open space with occasional trees and a footpath which cuts through the centre of the green space. Ebbw Vale fire station is located to the south-west of this part of the site and residential properties to the north, east and south boundaries.
- 1.7 With the exception of the bungalows at Cae Melyn the surrounding

³ See proposed layout at Figure 1 para 1.11

residential properties are all two storey. No's 13-26 Rhiw Wen front the grassed open space described above with the rear gardens/parking areas backing onto Rhiw Wen roads and Glanffrwd Terrace. The properties on Glanffrwd Terrace are semi-detached with hipped roofs and are set back off the road with enclosed garden/parking provision to the front. A mix of finishes exist within the area including, brick, render and coloured paintwork.

1.8 Proposed development

1.9 This is a major planning application which seeks planning permission for the construction of 23 residential units, all of which will be social housing. A suite of plans have been submitted which demonstrate the provision of:

- 1.10
- 4 x 1 bedroom/3 person wheelchair bungalows: Plots 3-6 (green)
 - 4 x 1 bedroom/2 person flats (wheelchair flats on ground floor): Plots 13-16 (pink)
 - 10 x 2 bedroom/4 person houses: Plots 1-2, 7-12 and 22-23 (yellow)
 - 3 x 3 bedroom/5 person houses: Plots 19-21 (blue)
 - 2 x 4 bedroom/6 person houses: Plots 17-18 (orange)

1.11



1.12 The proposed residential units will be accessed via the existing Rhiw Wen Road with two new arms (and associated footways) off this road being proposed:

1.13	- One arm will extend to the north (to the side of 26 Rhiw Wen towards 13 Rhiw Wen) to provide access to the proposed bungalows. This arm will terminate with a turning head in front of 13 Rhiw Wen.
1.14	- The other arm will run to the south/south east in front of the existing bungalows to provide access to some of the residential units proposed on the site of the former sheltered housing. The ground level beyond Plots 19-23 will need to be raised to construct the road.
1.15	The site of the former sheltered housing will accommodate 4no. flats (within two units) and 13no. houses. These are all set out to front their respective access roads (Glanffrwd Terrace, Rhiw Wen and the proposed new access road). The gardens all back onto each other.
1.16	2 No. houses are proposed on the parcel of land between 22 and 23 Rhiw Wen which will front Glanffrwd Terrace. A green strip of land and the existing footpath will be retained between the proposed houses and the side boundary of 22 Rhiw Wen.
1.17	4no. bungalows are proposed on the parcel of land to the north of the existing bungalows. These will front one of the proposed new access roads. The ground levels in this area will be reduced slightly to accommodate the new access road and subsequent access to the bungalows.
1.18	In terms of site layout a number of trees would have to be removed and approximately 33% of the existing green space within the site would be lost to facilitate the development. A landscaping scheme has been submitted which seeks to mitigate the loss of green space and trees and enhance biodiversity opportunities in the area.
1.19	All the residential units with the exception of the bungalows will be two-storey with roof slopes that fall towards the road they front, all of which will be fitted with solar panels. The bungalows will have a partial sloping roof with solar panels and a partial flat roof area which will be grassed.
1.20	All residential units will have private amenity space and parking provision. The proposed flats comprise of 2no. flats in each building; 1 at ground floor and 1 at first floor. The ground floor flat will have the use of a private garden area whilst the first floor flat will have an outdoor amenity area provided at first floor level (like a balcony). The bungalows would have enclosed yard areas.
1.21	9no. replacement parking spaces will also be provided for the occupiers of the existing bungalows off this new road to mitigate for the loss of the

	existing hardstand in constructing the new road.
1.22	A palette of finishes for the buildings is proposed which differ slightly between unit types (i.e. houses, flats and bungalows). The main material used would be a buff brick with projecting headed features broken up with grey brick features around the doors. The units would have grey slate roofs, grey windows and timber doors. Some timber features are proposed on the frontage of the bungalows to provide screening for the yard areas.
1.23	All proposed units are set back off the road and will be enclosed by 1m high brick front boundary walls to match the units. Front gardens will be separated by 1m high walls and railings (1.3m high adjacent to bins) and rear gardens with 1.8m high timber fencing. Side boundaries which face into the site will be 1.8m high brick and timber.
1.24	In addition to the detailed plans showing the layout and house types the applicant has submitted supplementary information which includes a Design and Access Statement (DAS), Pre-application Consultation Report (PAC), Ecological Assessment, Landscaping Scheme, Tree Constraints Plans, Drainage Strategy, Engineering Drawings, Travel Plan, Preliminary Geo-Environmental & Geotechnical Assessment and Coal Mining Report.
1.25	The applicant requested pre-application advice for residential development prior to the submission of this application. The advice provided was positive following a reduction in number of units, changes to site layout, minor design changes and the submission of required specialist reports.

2. Site History

	Ref No	Details	Decision
2.1	C/2019/0028	Application for prior notification of proposed demolition of 2 storey block of residential flats	Prior Approval Granted 29/04/2019
3.1	<u>Internal BG Responses</u>		
3.2	<u>Team Leader Building Control:</u> Building Regulations approval required.		
3.3	<u>Service Manager Infrastructure:</u>		
3.4	Highways: The proposed road layout the parking provision complies with the Council's adopted 'Access, Parking and Design' Supplementary Planning Guidance. There are no concerns regarding increased traffic movements in respect of		

	<p>vehicle users and pedestrians. The Travel Plan is acceptable subject to a Travel Plan Co-ordinator being nominated.</p>
3.5	<p>No objections to the proposal subject to the following:</p> <ul style="list-style-type: none">- The proposed 0.6m high timber clad steel crash barrier is to be set back a minimum of 450mm from the edge of the carriageway to allow for sufficient vehicle overhang.- New informal pedestrian crossing points are to be provided on both Cemetery Road and Lilian Grove, linking the proposed development to local facilities and public transport infrastructure. Details and position of crossing points to be agreed with the Highway Authority.
3.6	<p>The applicant will be required to enter into a S.38 legal agreement to adopt the new highways and to complete any works within the public highway.</p>
3.7	<p>Drainage: This application will require separate SAB approval to deal with surface water drainage. It is noted that residents have raised concerns regarding flooding, if any evidence is found that could prove previous flooding or that the development would have a detrimental effect to flooding then this will be taken into account as part of the SAB application. In addition as part of the SAB application the developer would have a duty to provide betterment in terms of surface water run-off from the site in addition to biodiversity, ecology and amenity benefits.</p>
3.8	<p>In terms of historic flooding the officer confirmed he is aware of some localised flooding around the Rhiw Wen area over the last 10 years. His understanding is that this was in relation to a number of blockages in yard gullies and smaller drainage lines and not in relation to any main culvert. The officer is not aware of any culvert that runs through the site, he believes it runs down the carriageway in Glanffrwd Terrace.</p>
3.9	<p>Ground Stability: The preliminary geotechnical assessment acknowledges there is a risk from past mining activities. Further investigation to assess the risk and associated remediation works must be conditioned.</p>
3.10	<p>Landscape: The principle of redeveloping the former residential home site is supported. However, the proposal includes extensive re-development of the important green spaces within the residential area. The existing trees, woodland areas and green spaces define the local landscape characteristics of the area.</p>

3.11	Early pre-application discussions have taken place with the developer to consider the important features of the site and the proposed development areas have been reduced to ensure the protection of the most important trees and green spaces.
3.12	It is accepted that some trees and green spaces will be lost out of practical necessity however the officer has raised an objection in relation to the removal of G2, a group of B rated (moderate value) trees (on the area of land between 22 and 23 Rhiw Wen). This means that they are of some value in the context of the overall development worthy of retaining. Whilst the officer did not object to the removal of these trees at pre-application stage, on further consideration of the application, he has reconsidered his position.
3.13	Whilst the specification for replacement tree stock will provide a reasonable approach to landscape mitigation in terms of numbers, the specification offered will have limited impact in replacing those trees that will be lost. If planning permission is granted, all replacement tree planting should be increased to more advanced stock.
3.14	<p>Ecology:</p> <p>The ecology report dated August 2019 by Sturgess Ecology is considered sufficient. Green roofs and features within the landscape are welcomed and follow recommendations contained within the ecology report.</p>
3.15	The proposed landscaping scheme shows biodiversity gain for the urban environment. It is important to retain the westerly tree line corridor as part of the Northern Ebbw Vale Green corridor.
3.16	Informatives should be attached to any subsequent permission reminding developers of their responsibilities in terms of protected species.
3.17	<p>Rights of Way:</p> <p>No rights of way will be affected.</p>
3.18	<p><u>Service Manager Public Protection:</u></p> <p>The preliminary geo-environmental and geotechnical assessments confirm the presence of contamination in shallow soil at the site. The report recommends that further soil sampling and gas monitoring is done and also makes recommendations in terms of remediation. A condition is required to ensure the further investigatory works and remediation works are undertaken.</p>
3.19	A condition is required to ensure the submission of a construction and

	environmental management plan detailing means of noise and dust mitigation prior to commencement of development. Construction hours also need to be controlled.
3.20	There are no concerns regarding the proximity of the proposed houses to the fire station.
3.21	<u>Head of Estates and Strategic Asset Management:</u> No observations.
3.22	<u>Housing:</u> The scheme is being supported with Social Housing Grant funding. The additional social housing is welcomed.
3.23	<u>Leisure:</u> Request a commuted sum of £72,000 to improve facilities at Glyncoed play area.
3.24	<u>Education:</u> No contribution required for secondary education. £66,066 requested for Glyncoed Primary School.
3.25	<u>External Consultation Responses</u>
3.26	<u>Welsh Water:</u> The proposed development site is crossed by a public sewer. The applicant has acknowledged the presence of this sewer and proposes to divert the asset. This will need to be done formally under legal agreement with Welsh Water Dwr Cymru.
3.27	It is also noted that the developer proposes to construct a wall over the existing public sewer. A Build Over Sewer Agreement may be required or the existing sewer also diverted.
3.28	There is existing capacity within the public sewerage network to receive domestic foul flows for the proposed development. Legal agreements may be required for connection to this network.
3.29	Surface water drainage will need to be addressed by the SuDs Approval Body (SAB).
3.30	<u>Western Power:</u> Indicate position of apparatus.

3.31	<u>W&W Utilities:</u> Indicate position of apparatus.
3.32	<u>Coal Authority:</u> Concurs with the recommendations of the Coal Mining Risk Assessment that coal mining legacy poses a high risk to the development. Further intrusive site investigation work should be undertaken to establish the situation and to inform appropriate remediation. This should be required by a planning condition.
3.33	<u>Gwent Police:</u> No response received.
3.34	<u>Public Consultation:</u> <ul style="list-style-type: none">• 38 letters to nearby houses (and Fire Station)• 3 site notices• press notice• website public register of applications• ward members by letter• all members via weekly list of applications received• other
3.35	<u>Response:</u> 14 emails/letters of objection have been received in respect of this application, the content of which can be summarised as follows:
3.36	- Tai Calon has misled residents regarding the amount of development proposed. Residents initially believed only the former Glanffrwd Court would be redeveloped.
3.37	- Concerns that new properties will give rise to overlooking, loss of privacy and loss of light.
3.38	- The proposed properties are too close together on such a small area of land.
3.39	- The layout, design and density does not have due regard for existing residents in the area or the local character of the area, especially the flats.
3.40	- The two proposed properties between 22 and 23 Rhiw Wen are out of character with Rhiw Wen as existing properties have rear gardens backing onto Glandffrwd Terrace and proposed houses will front Glanffrwd Terrace.
3.41	- There is sufficient brownfield land in the Borough, greenfield land should not be used.

3.42	- The ground surrounding Glanffrwd Terrace, Cae Melyn and Rhiw Wen is used by families and children. The loss of this land would spoil views and result in loss of safe playing space for children.
3.43	- The landscaping scheme for the remaining green space in front of the properties on Rhiw Wen proposes a footpath cutting through the land and ornamental planting. This further reduces the remaining open space where children could play.
3.44	- Loss of green space and trees will have a negative impact on wildlife.
3.45	- Inadequacy of parking provision: not enough for the proposed homes, loss of hardstand areas which existing residents use. On-street parking is already an issue without additional properties. Driveways directly face other driveways.
3.46	- Concerns regarding highway safety from increased traffic movements and construction traffic.
3.47	- The new road being constructed through green space at Rhiw Wen will put children at risk that currently play on this area.
3.48	- Concerns that the occupiers of the proposed bungalows will be impacted from noise from the fire station during training activities.
3.49	- Will the new roads be suitable for access for emergency service vehicles?
3.50	- Headlights will be shining into existing properties.
3.51	- Concerns regarding noise and disturbance (particularly for the elderly) during construction and after from additional residents and traffic.
3.52	- Loss of trees. The 2019 Tree Report highlights a number of trees to retained which are being removed. Some of these trees are over 35 years old and are inhabited with wildlife. These trees also soak up surface water from underground culverts.
3.53	- Flooding is an issue in the area. It has been questioned how surface water drainage will be managed to ensure no future flooding occurs.
3.54	- The scheme will cause anger and divisions within the existing community.
3.55	- The scheme will have an impact of the environment and people's quality of life.
3.56	- Concerns regarding vandalism.

4. Planning Policy

4.1	<u>Team Manager Development Plans:</u> No planning policy objections in principle to the proposed development. Social housing is needed in the borough.
4.2	<u>LDP Policies:</u> SP4 - Delivering Quality Housing

4.3	<p>SP5 - Spatial Distribution of Housing SP6 - Ensuring Accessibility SP7 - Climate Change DM1 - New Development DM2 - Design and Placemaking DM3 - Infrastructure Provision DM7 - Affordable Housing DM12 - Provision of Outdoor Sport and Play Facilities DM13 - Protection of Open Space DM15 - Protection and Enhancement of the Green Infrastructure DM16 - Trees, Woodlands and Hedgerow Protection SB1 - Settlement Boundaries</p> <p><u>PPW & TANs:</u> Planning Policy Wales 10 (2018) Technical Advice Note 2: Affordable Housing (June 2006) Development Quality Requirements (2005)</p> <p>Access, Car Parking and Design (March 2014) Planning Obligations (September 2011)</p>
5. Planning Assessment	
5.1	<p><u>Principle of Development</u></p>
5.2	<p>The development site lies within the settlement boundary (Policy SB1) within which development is normally permitted subject to other policies in the LDP and material planning considerations.</p>
5.3	<p>There are no known constraints or designations identified in the Blaenau Gwent LDP Constraints Map. The site is located in a well-established residential area and accordingly there are no issues of land compatibility.</p>
5.4	<p>One objector has stated that there is no need for greenfield land to be used as there is plenty of brownfield land in the area. The former Glanffwrdd Court site is without question brownfield land. With regards to the development of the green spaces the agent contends the entire site is brownfield as it was historically used as a railway siding before the site was developed for residential purposes. Planning Policy has confirmed that the green spaces are not identified in the LDP for any amenity or leisure use and there is a surplus of amenity space within the Badminton Road. Notwithstanding that the layout retains and enhances some open space within the site. The green spaces are therefore considered acceptable for development.</p>

5.5	<p>Policy SP4 provides a framework for the delivery of 3,907 new dwellings in Blaenau Gwent over the plan period. The LDP seeks to deliver a mix of dwelling types, sizes and tenure, including at least 335 affordable dwellings in order to meet the need of Blaenau Gwent's current and future population.</p>
5.6	<p>TAN 1 requires the Council to have a 5 year land supply for housing. TAN 1 states: <i>"The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies."</i></p>
5.7	<p>In July 2018, WG dis-applied this paragraph of the TAN. This was in response to a growing number of speculative housing schemes on unallocated sites across Wales where developers were justifying schemes on the lack of a supply of suitable sites. It is now for the Council as decision maker to take a rational and reasonable position on the weight to be attached to schemes on un-allocated sites on a case by case basis.</p>
5.8	<p>The current land supply for housing in the Borough is 1.28 years. It is not uncommon for LPA's to fail to meet the 5 year land supply requirement, particularly those without an up to date development plan. The method for calculating this figure is one that is often the subject of discussion with WG. However, it is undeniable that using this measure, the Council is short of readily deliverable housing sites. Windfall sites such as this one therefore become increasingly valuable as a means of meeting the needs of the Borough.</p>
5.9	<p>The proposed development comprises of a mix of 1, 2, 3 and 4 bedroom detached and semi-detached properties. Policy SP5 criterion identifies the anticipated contribution of windfall developments, small sites and conversions will make to the overall housing requirement. This proposal complies with both SP4 and SP5 and would be welcomed in contributing to housing delivery in Blaenau Gwent.</p>
5.10	<p>The proposal is therefore considered to accord with adopted strategic policies and housing need, subject to meeting criteria outlined within relevant LDP policies, national planning policy and other material planning considerations set out below.</p>

5.11	<u>Layout, scale and appearance</u>
5.12	Layout: As described earlier in my report there will be a single point of vehicle access off Glanffrwd Terrace with the provision of two new arms off this road to provide access to some of the proposed residential units. The proposed 23 units will be set alongside and fronting their respective existing and proposed roads. There will also be some changes to ground levels throughout the application site, mainly to facilitate the new roads and bungalows but these are not significant.
5.13	The layout incorporates land which was previously occupied by the sheltered housing accommodation and approximately 33% of the open grassed areas within the application site. This will also result in the loss of a number of trees which will be considered later in my report.
5.14	A number of objections have been raised in respect of the loss of trees and green space for the construction of just 6 residential units. Residents have stated that they currently enjoy the green spaces both from a visual and recreational perspective and understandably do not want to see the loss of such land. Concerns have been raised that children currently play on this land and the construction of a road through the green space will mean they will no longer be able to play safely. Furthermore the landscaping scheme proposed for this area will further reduce the useable space remaining for children to play due to the fact a footpath would cut across the remaining green space and that the area would be planted rather than grassed.
5.15	I appreciate the concerns residents have raised, however in my opinion there is sufficient green space remaining for residents to continue to enjoy which will be enhanced with replacement trees and landscaping. Furthermore, it has already been explained earlier in my report that these areas are not protected in the LDP for any leisure or amenity uses. The proposed landscaping concerns will be considered further on in my report.
5.16	The scheme provides for adequate garden/amenity space and dedicated parking provision for all the units with replacement parking being provided for the existing bungalows at Cae Melyn.
5.17	The parking provision has been split between frontage and side parking with green spaces punctuating areas of fronting parking so as not to dominate the frontage of the dwellings with hard landscaping. Objections have been received regarding inadequacy of parking provision and associated impacts from increased on-street parking. The Team Manager Built Environment (Highways) has confirmed that the parking provision complies with the

	<p>Council's adopted 'Access, Car Parking and Design' SPG. Future and existing occupants will be expected to comply with relevant traffic laws which will prevent against vehicles parking dangerously or where it causes any unnecessary obstruction of the road.</p>
5.18	<p>Objections have been raised that the proposed units are too close together. The proposal is of a similar density to surrounding residential development.</p>
5.19	<p>With regards to impact on occupiers of existing residential properties, a number of objections have been received in respect of the layout that refer to loss of privacy, loss of light, noise from new roads and headlights shining into properties.</p>
5.20	<p>In my opinion there are sufficient separation distances between the existing and proposed properties and careful design of window positions (which are obscured where necessary) and boundary treatments to ensure there is no unacceptable impact from overlooking, loss of light or the development appearing overbearing.</p>
5.21	<p>The new road sections would serve very few units and would not give rise to levels of traffic that would generate any significant noise levels over what is already experienced with existing roads.</p>
5.22	<p>The new road sections and increased traffic movements in the area have also caused concern with residents that headlights will be shining directly at their properties. The layout of the proposed road travelling north and the turning head has been designed to avoid any direct impacts in terms of the direction it travels. There are no impacts in this regard arising from the road going in the southerly direction as there are no houses at the end of this road. Houses on Glanffrwd Terrace are opposite an existing junction and also have front boundary walls that would screen the headlights. In any event headlights are dipped to illuminate the road and wouldn't result in any sustained illumination of properties due to the fact the vehicles will be moving.</p>
5.23	<p>An objection has been received that the proposed orientation of Plots 1 and 2 (between 22 and 23 Rhiw Wen) are not in keeping with the character of No's 17-22 Rhiw Wen. This is because the existing properties have rear gardens backing onto Glanffrwd Terrace and the proposed houses front Glanffrwd Terrace. Whilst No's 17-22 Rhiw Wen are orientated differently to those proposed, this does not in my opinion have an unacceptable impact on the character of the properties on Rhiw Wen. It is good design for dwellings to face the highway they front and creates a sense of place with active</p>

	<p>frontages in the wider street scene. It is my opinion that these two properties will also be viewed as a continuation to the other proposed plots fronting Glanffrwd Terrace especially as No.s 17-22 Rhiw Wen are set behind the building line of the proposed residential units. Being different doesn't necessarily mean unacceptable or out of character.</p>
5.24	<p>Concern has been raised that the proposed bungalows will be too close to the fire station and will be disturbed when there are training exercises. It is unlikely that training exercises will be carried out as unsociable hours. Environmental Health has confirmed they have no concern in this regard.</p>
5.25	<p>Scale: In terms of scale, with the exception of the bungalows all the proposed residential units are two-storey and are considered to be of an appropriate scale within the context of the existing residential properties. The proposed bungalows have been located to sit next to the existing bungalows to ensure the scale of building heights is consistent. Whilst the flats have a larger footprint than the proposed house types, in terms of scale they are of a similar footprint and height to the pairs of semi's proposed, have the appearance of a dwelling and will not have an unacceptable mass that would be out of character when viewed in the wider street scene.</p>
5.26	<p>Appearance: Objections have been received that the design of the units are unsympathetic to the character and appearance of the local environment. There is no identifiable character in terms of materials used in the immediate area with there being a mix of brick, spar and render with tile and slate roofs.</p>
5.27	<p>The proposed finishes of the units are a mix of brick colour (buff and grey), with some timber features on the bungalows under slate roofs. The materials are varied through a range of unit types which will ensure that the scheme is attractive but not uniformed. The finishes, whilst not creating a pastiche of Rhiw Wen, Cae Melyn and Glanffrwd Terrace are respectful of the surrounding residential properties. The roof scape has been designed so that all roofs slope toward the road they front which respects the roof scape of the surrounding area. The proposed solar panels will contribute to the provision of renewable energy for the properties and are not considered to have a detrimental visual impact on the wider area.</p>
5.28	<p>The boundary materials have been described earlier in my report and in my opinion will create attractive frontages and side elevations which would be visible from within the street whilst maintaining privacy for existing and proposed residential units.</p>
5.29	<p>Overall, I consider that the layout, scale and appearance of the proposed</p>

	development complies with Policy DM1(2a, b, and c) and DM2 of the LDP which seeks to ensure that new development proposals enhance and respect their surroundings and contribute to local identity.
5.30	<u>Access</u> It is fundamental in terms of access that the highway network is adequate to serve the proposed development.
5.31	Vehicular access is to be provided off the existing junction off Glanffrwd Terrace onto Rhiw Wen road with the creation of two new arms off Rhiw Wen road. Footways will also be provided throughout the site.
5.32	Objections have been received in relation to the increased traffic movements and associated risk to highway safety.
5.34	The Highway Authority has not raised any concern in respect of additional traffic movements associated with the proposed development. They have confirmed that the proposed development road complies with Highway Authority design standards and that the carriageway can accommodate all anticipated emergency and refuse vehicle movements and two-way traffic flows. The pedestrian crossing points proposed within the site are acceptable. Subject to the provision of crossing points on Lilian Grove and Cemetery Road the Highway Authority has no objection and confirms the proposal complies with planning policy.
5.35	Concerns regarding construction traffic, parking of site operatives and visitors can be controlled through the requirement of a construction management plan.
5.36	I am satisfied that subject to conditions the highway network is capable of serving the development and satisfactory access can be provided for both pedestrians and vehicles and complies with Policy DM1(3).
5.37	<u>Landscaping, trees and ecology</u> A detailed landscaping scheme has been submitted with the application, which is supplemented by a Tree Survey and Ecological Assessment.
5.38	Landscaping: The Service Manager Green Infrastructure notes in his response that the green spaces and trees are important features within this area. What must therefore be considered is whether the proposed loss can be made acceptable with appropriate mitigation. It is acknowledged that a number of objections have been received in respect of the loss of green space, the loss of trees from a visual perspective and impact on wildlife.

5.39	<p>In terms of green space it has been confirmed earlier in my report that 33% of the overall green space within the site would be lost, this percentage is not considered to be excessive. The green spaces which are proposed to be developed are not protected or identified within the LDP for amenity or leisure use and it has been confirmed in the ecological assessment that these green spaces are of low value for nature conservation. In addition it should be noted that a robust landscaping scheme has been submitted that would see the remaining green spaces enhanced with replacement trees and new planted areas.</p>
5.40	<p>As outlined earlier in my report concern has also been raised regarding the proposed landscaping for the remaining green space at Rhiw Wen. It is proposed to have a footpath crossing this parcel of land with ornamental planting resulting in a further loss of space for children to play. In this respect I agree with the residents that this area could be landscaped differently to ensure some simple grassed space remains for children to play as they always have. The ornamental planting could be provided on the periphery of this parcel of land to provide a buffer/barrier between the green space and new road in an attempt to alleviate safety concerns residents have raised. The agent has agreed this is a reasonable suggestion and can be conditioned accordingly.</p>
5.41	<p>Trees: The proposal would also see the removal of 29 trees of low/moderate value and 1 high value tree. None of the trees proposed to be removed are subject to a Tree Preservation Order and could be removed by the landowner at any time. A landscaping scheme has been submitted that indicates the planting 53 replacement trees throughout the site. In addition a native planted buffer is proposed on the western boundary which would also include tree planting. The tree species offer a range of native and ornamental varieties that will be beneficial in providing bio-diversity enhancements throughout the site.</p>
5.42	<p>It is alleged by objectors that there has been conflicting comments made in various versions of the tree reports in respect of what trees should be retained. The Service Manager Green Infrastructure has considered the Tree Survey submitted with this application and has not questioned its validity or conclusions.</p>
5.43	<p>In terms of tree removal, the Service Manager Green Infrastructure only objects to the loss of the tree group G2 as in his opinion they are of moderate value and worthy of retention. These are the trees located on the parcel of land between 22 and 23 Rhiw Wen. An objection has also been</p>

	raised that this is an excessive removal of trees for just two properties.
5.44	G2 is the biggest group of trees proposed to be removed and I agree that they do have some value in the street scene along Glanffrwd Terrace, however these trees are not protected. A number of trees along Glanffrwd Terrace will be unaffected by the development and accordingly the removal of these trees would not result in a total loss of trees within the street scene of Glanffrwd Terrace. In addition the landscape plan shows that 5 replacement trees will be planted in this area along with native and ornamental shrub planting. In my opinion the proposed replacement trees and landscaping in this area adequately mitigates the loss of the trees.
5.45	With regards to the removal of trees throughout the rest of the site I am satisfied that their loss will be adequately mitigated for through replacement tree planting. I do however agree with the Service Manager that given the semi-mature nature of the trees proposed to be removed that a more mature stock of trees should be replanted, this can be conditioned.
5.46	Ecology: In respect of ecology the Ecological Assessment states that the site did not have any significant nature conservation importance, although some of the older trees are some value for common mosses, lichens, birds and invertebrates. The Council's Ecologist has not objected to the proposal and concurs with the findings of the ecological assessment and that biodiversity enhancements should be included in any landscaping scheme. The Councils Ecologist has confirmed that the landscaping proposals will achieve net gains for biodiversity and has had regard to the recommendations contained within the Ecological Assessment.
5.47	The loss of any trees or green space is regrettable but is not in my view a reason for refusal given that the neither the green spaces or trees are afforded any protection and that proposed replacement planting and a robust landscaping scheme proposed to mitigate for their loss.
5.48	I am satisfied that subject to conditions the proposal complies with policies DM1(f), SP10, DM14, DM15 and DM16.
5.49	<u>Land stability</u> The Service Manager Infrastructure has raised no objections to the development subject to a geotechnical site investigation being carried out prior to construction. This will establish the prevailing ground conditions and any necessary remediation works.
5.50	The application site falls within the Coal Authority's defined Development

	<p>High Risk Area. A Coal Mining Risk Assessment Report (CMRA) was submitted with the application that identifies that the site has been subject to mining activity and concludes there is a risk to development. It states that further investigation works should be undertaken in order to establish the exact situation and to inform remedial measures. The Coal Authority concurs with the findings of the CMRA and has confirmed that if planning permission is granted, a planning condition is necessary to deal with this issue. This will ensure that the proposal complies with policy DM1(2i).</p>
5.51	<p><u>Contaminated Land</u> The Environmental Health Officer commented that preliminary investigations revealed contaminants in shallow soil and further investigation and remediation works are required. I am satisfied that a condition can be imposed requiring both investigatory work and subsequent remediation to ensure compliance with Policy DM1.2(j).</p>
5.52	<p><u>Drainage</u> The submitted Drainage Strategy confirms that foul drainage will connect to the existing foul sewer network. Welsh Water has confirmed there is capacity in the network to accept domestic foul.</p>
5.53	<p>Objections have been received that raise concern regarding localised flooding within parts of the site. The Council's Drainage officer has confirmed that his understanding is that this was in relation to a number of blockages in yard gullies and smaller drainage lines and not in relation to any main culvert. He is not aware of any culvert that runs through the site that would cause issues he believes the culvert runs down the carriageway in Glanffrwd Terrace.</p>
5.54	<p>Since 7th January 2019 development proposals that have a hard surface area that exceeds 100m² require separate SAB approval to deal with surface water drainage. This development exceeds this threshold and accordingly requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'.</p>
5.55	<p>If any evidence is found that could prove previous flooding or that the development would have a detrimental effect to flooding then this will be taken into account as part of the SAB application. In addition as part of the SAB application the developer would have a duty to provide betterment in terms of surface water run-off from the site in addition to biodiversity, ecology and amenity benefits.</p>

5.56	SAB applications in this Borough are dealt with by Caerphilly CBC. However Welsh Water and the Council's Drainage Officer are statutory consultees on such applications.
5.57	I am satisfied that surface water drainage and any associated flooding concerns will be addressed through the SAB process.
5.58	<u>Noise/Dust/General Disturbance/Other Matters</u> The impact of noise, dust and general disturbance on residents during the construction phase and ongoing disturbance arising from the occupation of the properties in the future has been raised by objectors.
5.59	The construction phase of the development can be controlled through a condition requiring a Construction Environment Management Plan (CEMP). An approved CEMP will ensure that the day to day operation of the site can be controlled including hours of operation, dust and noise mitigation measures.
5.60	I do not consider that an additional 23 residential properties in an existing residential area will give rise to a level of disturbance that could be considered unacceptable.
5.61	<u>Other Matters</u> A number of the objection letters refer to changes that they feel would improve the scheme. These were put to the applicant at Pre-Application stage, however the Council must consider the scheme that is submitted.
5.62	Objections that residents feel misled by Tai Calon in terms of the amount of development being proposed is not a material planning consideration.
5.63	Concerns regarding anti-social behaviour and alleged lack of consultation with residents by Tai Calon are not material planning considerations.
5.64	<u>Planning Obligations</u> The proposed development potentially generates a need for the three distinct planning obligations; the provision of affordable housing, education and outdoor sports and play facilities. Each of these requirements are considered separately below.
5.65	Policy DM7 seeks 10% affordable housing (subject to viability) on all sites that: <ul style="list-style-type: none">- Contain 10 or more dwellings; or

	<ul style="list-style-type: none">- Exceeds 0.28ha in gross site area; or- Exceeds the thresholds in (a) or (b) above for adjacent sites.
5.66	This application proposes 100% affordable housing. However a suitably worded condition can ensure a minimum of 10% of the units are retained as affordable housing.
5.67	In addition Policy DM3 requires new development to meet the infrastructure needs that it generates, including the improvement or provision of infrastructure, services and community facilities. Policy DM12 also seeks to secure the provision of outdoor sport and play facilities with all new residential developments of 10 or more units.
5.68	The Education Directorate has not requested any contributions for secondary education as there is a surplus in pupil spaces but has requested a contribution of £66,066 for Glyncoed Primary School for an additional 7 pupil places.
5.69	In terms of leisure provision, the Head of Leisure has requested a contribution of £72,000 to improve the facilities at Glyncoed play area. Planning Policy has confirmed that there is shortfall in playing fields and formal and informal playing space.
5.70	The requirement to provide contributions to leisure and/or education is subject to development viability. The submitted viability assessment identifies that the site is not viable and cannot contribute towards leisure or education provisions. It has been confirmed in the Design and Access Statement that Tai Calon is a not-for-profit social landlord and accordingly don't seek to make money from the development but improve their available housing stock.
5.71	Whilst I am satisfied that sufficient evidence has been submitted to demonstrate that the proposed development would be unviable if any of the aforementioned planning obligations were provided, it must be recognised that without the planning obligations, the proposal would not fully meet its infrastructure needs and as such, would have a negative impact on local community facilities. However, this impact needs be balanced against the benefits of the delivery of residential development and the fact that it is 100% affordable housing. In my opinion, any negative impact on local community facilities would not be significant enough to outweigh the regeneration benefits of the proposal.

5.72	<u>Conclusion</u> Whilst the proposed development fails to deliver education and leisure infrastructure requirements, evidence has been submitted which adequately demonstrates that the provision of such requirements would render the development financially unviable. However, it must also be acknowledged that the proposed development would deliver 23 affordable housing properties and currently the LDP is behind target in terms of the delivery of affordable properties.
5.73	In summary, the proposed residential development is considered to be acceptable in land use terms and would not have an unacceptable impact on the character and appearance of the surrounding area, the amenity of the surrounding properties or the safe, effective and efficient use of the highway network.

6. Legislative Obligations

6.1	The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.
6.2	The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.

7. Conclusion and Recommendation

7.1	Planning permission be <u>APPROVED</u> subject to the following conditions: 1. The development shall not be carried out except in complete accordance with the details of the following approved plans and documents, except where amended by conditions attached to this planning permission: <u>Documents and Plans list to be included on decision notice</u> Reason: For the avoidance of doubt and to ensure compliance with the approved plans and documents.
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2. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% of housing units/bed spaces;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the management of the affordable housing;
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing.

Reason: To ensure affordable housing is provided in accordance with policy DM7 of the adopted Blaenau Gwent Local Development Plan.

3. No development shall take place until details of the intrusive site investigation works recommended in Coal Mining Risk Assessment ESP.6567b.02.3279, October 2016), have been submitted to and approved in writing by the Local Planning Authority. None of the buildings hereby approved shall be brought into beneficial use until the recommendations of any site investigation report which is approved by the Local Planning Authority are implemented and the Authority receives a validation report completed by a suitably qualified person that certifies that such measures and/or works have been fully implemented.

Reason: To ensure adequate regard has been given to ground conditions in carrying out development.

4. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 3, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures which shall be retained (for the period agreed in the remediation scheme/in perpetuity).

Reason: To ensure that any unexpected land stability issues are

adequately dealt with and that ground stability issues are appropriately addressed.

5. No development shall commence until an assessment of the nature and extent of any site contamination is undertaken in accordance with a methodology which must first be submitted to and approved in writing by the Local Planning Authority. Such an assessment shall include details of :-

- i) the nature, extent and type of any contamination and their impacts on land and controlled waters, and details of all potential source, pathway and receptor linkages;
- ii) in instances where a desk top assessment has demonstrated it to be necessary, the results of an intrusive site investigation report; and
- iii) any measures identified as necessary to treat/remove the contamination to ensure the site is fit for the proposed use.

The development hereby approved shall not be brought into use until all the measures identified as necessary to decontaminate the site, as contained in a report that is approved in writing by the Local Planning Authority, are implemented and the Authority is provided with a validation report signed by a suitably qualified person that confirms that such measures and/or works have been fully implemented.

Reason: The Local Planning Authority is advised that the site may be affected by contamination and considers it appropriate to assess the significance of such contamination before development can proceed.

6. If, during the course of development, any contamination is found which has not been identified in the site investigation required by condition 5 additional measures for the remediation of this source of contamination in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate all approved additional measures and shall be completed before the development hereby approved is brought into beneficial use.

Reason: To ensure that any unexpected contamination issues are adequately addressed and that suitable mitigation measures are implemented.

7. No development shall commence on site until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide details of:

- hours of working;
- the parking of vehicles of site operatives and visitors;
- delivery of materials;
- wheel washing facilities;
- storage of plant and materials used during construction;
- the erection and maintenance of any security hoarding;
- measures to control the emissions of dust and dirt during construction;
- a scheme for the recycling/disposal of waste resulting from construction; and
- the siting and details of any construction compound.

Such details and measures as contained in the approved Statement shall be adhered to throughout the construction period.

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

8. Notwithstanding any details on the approved plans, no dwellings hereby approved shall be occupied until full details of the following highway improvements have been submitted to and approved in writing by the Local Planning Authority:

- New informal pedestrian crossing points incorporating dropped kerbs and tactile paving on Lilian Grove and Cemetery Road; and
- Pedestrian refuge island on Cemetery Road.

The highway improvement works as approved shall be implemented in full prior to any of the dwellings becoming operational.

Reason: To improve public safety and improve pedestrian accessibility from the development site to local facilities and public transport.

9. No dwelling hereby approved shall be occupied until the access, driveway and parking areas relating to that dwelling are constructed in accordance as indicated on the approved plans. The parking areas provided shall be retained for their designated purpose at all times.

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

10. No approved dwelling shall be occupied until the roads and footways serving that dwelling have been laid out and constructed to a minimum of binder course level and any street lighting to be provided has been erected and energised in full accordance with details to be submitted and approved in writing by the Local Planning Authority before works commence on the construction of the dwellings.

	<p>Reason: To ensure suitable vehicle and pedestrian access to the site and to safeguard highway and pedestrian safety.</p> <p>11. The areas designated for turning on the approved plans shall not be obstructed and shall be retained and kept available for their designated purpose at all times. Reason: To ensure that the turning needs of the development are adequately met at all times.</p> <p>12. Notwithstanding the details on the approved plans the timber clad steel crash barrier at the turning head opposite plots 22 and 23 is to be set back 450mm from the edge of the carriageway to allow for sufficient vehicle overhang. Reason: In the interest of highway safety.</p> <p>13. The approved Travel Plan is to be fully implemented, monitored and reviewed and details of a nominated development Travel Plan Co-ordinator are to be submitted in accordance with the Plan prior to occupation of any dwellings. Reason: In the interest of highway safety.</p> <p>14. Notwithstanding any details indicated on the approved plans, before works commence on site details shall be submitted to and approved in writing by the Local Planning Authority of all retaining walls/structures or works required in association with the construction of the development hereby approved. Any details of retaining walls/structures or works that will exceed 1.5m in height must also include a certificate signed by a suitably qualified engineer that shall verify the structural integrity of the proposed works. All works shall be undertaken and completed in full accordance with such details and specifications as may be approved before the dwellings to which they relate are brought into use. Reason: To safeguard the integrity of any retaining works required in association with the approved development and to safeguard visual amenity interests.</p> <p>15. Notwithstanding any details indicated on the approved landscaping plans the landscaping details included within the areas hatched in green on 'Soft Landscaping Plan, Drg No. 151605-STL-00-XX-DR-L-ZZZZ-09140, Rev PL07, stamped received 06/12/2019 and Landscape GA, Drg No. 151605-STL-00-XX-DR-L-ZZZZ-09001, Rev PL07, stamped received 06/12/2019' are not approved. Prior to the</p>
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construction of any of the dwellings hereby approved a revised landscaping scheme for the area hatched in green shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the landscaping scheme is appropriate in providing adequate mitigation for the existing residents to compensate for the loss of green informal space.

16. Prior to the construction of any of the dwellings hereby approved a revised Planting Schedule shall be submitted and approved in writing by the Local Planning Authority that provides for a more advanced stock of trees.

Reason: To ensure the replacement trees provide adequate mitigation for the semi-mature trees that are being lost.

17. All planting, seeding or turfing comprised in the approved details of landscaping and including such details as approved under Conditions 15 and 16, shall be carried out in the first planting and seeding season following occupation of the dwellings, the completion of the development (whichever is the sooner), or any alternative timescale that may be approved in writing by the Local Planning Authority before works commence on site. Any trees, shrubs or plants which within a period of 5 years from implementation of the planting scheme die, are removed or become seriously damaged or diseased, shall be replaced by one of the same species and size in the next available planting season.

Reason: To ensure timely implementation of an appropriate landscaping scheme.

18. The boundary enclosures indicated on the approved plans shall be provided in full accordance with the approved details before the dwelling(s) to which it relates is occupied.

Reason: To protect the privacy and amenities of the occupants of the application property, the occupiers of neighbouring properties and the visual amenities of the area.

19. Prior to the installation of any bin stores, sheds or other minor structures, details must be submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with such details as may be approved.

Reason: To ensure an acceptable form of development.

20. The development shall begin not later than five years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1980.

Informatives:

1. The developer is reminded of his/her obligation under the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 to give notification of commencement of development to the Local Planning Authority and to display a notice at all times when the development is being carried out.
2. The applicant/developer should note that the development hereby approved also requires SuDS approval before work commence. Further guidance can be found at <https://www.blaenau-gwent.gov.uk/en/resident/planning/how-to-apply-for-planning-permission/permission-for-drainage/> On such basis any surface water drainage details submitted as part of your application have not been considered. Should it be necessary to amend your development to meet the requirements of the SAB (SuDS Approval Body) you should seek further advice from the Local Planning Authority.
3. The Highway infrastructure serving the proposed development is to be constructed in accordance with Blaenau Gwent's 'Residential, Industrial and Commercial Estate Roads Design Guide' and be subject of a Section 38 agreement under the Highways Act 1980.
4. The proposed development site is crossed by a public sewer with the approximate position being marked on the Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the sewer. The applicant is advised to contact Welsh Water Dwr Cymru to discuss this matter further.
5. All wild birds, their nests and their eggs are protected under the Wildlife and Countryside Act 1981 (as amended). All British reptiles are protected from intentional killing, injuring and sale under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Badgers and their sets are fully protected under the Protection of Badgers Act 1992. In addition they are listed on Schedule 6 of the Wildlife and Countryside Act 1981 (as amended), which prohibits certain methods of killing and capture.

8. Risk Implications

8.1	In the event planning permission is refused the applicant may appeal to the Planning Inspectorate.
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Planning Report

Application No: C/2019/0273	App Type: FULL
Applicant: Mr Ryan Shepherd Brynderwyn Queens Square Ebbw Vale	Agent: Mr Stephen Waldron Stephen Waldron Architects Ltd Tower Business Centre Hirwaun Ind Est Hirwaun Aberdare
Site Address: The Bridge, Hotel and Flat, Station Approach, Pontygof, Ebbw Vale	
Development: Change of use to nursery, bin storage, escape stair, landscaping and associated parking	
Case Officer:	Lesley Taylor/Eirlys Hallett



1. Background, Development and Site Context

- 1.1 The development site is a detached building that I understand to have been used for a number of years as a public house/restaurant with first floor residential accommodation. The agent has advised that the business ceased trading 2½ years ago and the building is currently vacant. The building is located on Station Approach, close to the access to Eugene Cross Park, headquarters to the Ebbw Vale Rugby Club. The site enjoys a large curtilage comprising an area for parking and a garden and seating area. The main building has two storeys and basement/cellar. It has single storey annexes on both sides, and a large conservatory at the rear. In the immediate vicinity, there are a mix of buildings/uses that include dwellings, Ebenezer Chapel which is a Listed Building, the Rugby Club, the former Stewards House and Pontygof School (both of which are now used by the Authority to provide non-residential special educational needs).
- 1.2 This application seeks planning permission to change the use of building and its curtilage to a nursery that will provide spaces for up to 100 children between the ages of 12 weeks and 12 years. It is estimated that the proposed nursery would employ 17 full time staff and 8 part time staff and operate from 8.00hrs until 18.00hrs.
- 1.3 The submitted plans indicate that the proposed conversion of the building to a nursery would require minimal external works, namely the provision of an external fire escape on the south elevation of the building and an enclosed bin storage area near the foot of the fire escape.
- 1.4 The proposed internal layout plans indicate whilst there would be no changes to the basement area, the ground floor area would be altered to provide allocated play and activity areas for a range of age groups, w.c.'s, a communal dining room, a after school club, a kitchen and washing facilities and the first floor would accommodate an office and staff facilities, a sensory room and sleep room.
- 1.5 Externally, new timber fencing is proposed to enclose the north western boundary of the site. It is also proposed that land to the rear and side of the building would be used to provide two enclosed play areas, a Woodland School area and a parking/turning area that can be accessed off Pontygof. This would provide 17 spaces for motor vehicles and 5 for bicycles. The playing areas would be separated by chain link fencing.

2. Site History		
Ref No	Details	Decision
C/1998/0291	Alterations & extensions	Approved 1.11.98
C/1999/0206	Toilet Extension	Approved 19.08.99
C/2002/0172	Single storey extension to the rear	Approved 21.06.02
C/2012/0016	Outline application for proposed residential development with access road (10 dwellings)	Finally disposed of 16.12.14
PA/2019/0142	Preliminary advice in relation to a proposal to change the use of the public house to a private full day care setting	Advised there would be a fundamental policy objection to the proposal as the use proposed was a highly vulnerable use and that majority of the site fell within a C2 flood zone area
3. Consultation and Other Relevant Information		
	<u>Internal BG Responses</u>	
3.1	<u>Team Leader Building Control:</u> Building Regulations consent required.	
3.2	<u>Service Manager Infrastructure:</u> Highways (Revised plans): Confirmed that revised plans are acceptable and address the highway issues previously raised. Full details of cycle parking will need to be submitted for approval but this can be addressed by a condition.	
3.3	<u>Service Manager Public Protection:</u> No response at the time of preparing this report.	
3.4	<u>Early Years Childcare and Play Manager, Social Services:</u> Confirmed that an assessment of childcare provision undertaken in 2016 had noted that there were no gaps identified in relation to nursery places in Ebbw Vale, but that pending childcare offers, large new housing developments and the City Deal might affect future demand for childcare.	

3.5	<p>Noted that more recent surveys had confirmed that vacancy rates in day nurseries had fallen from 34% to 20% between 2017 and 2018 and that the 3 day nurseries in the Ebbw Vale area together offered a range of full and part time places. Advised that whilst the childcare offer has influenced demand for childcare places in Blaenau Gwent this is expected to increase further raising the possibility that demand will outstrip supply in the next few years. The Council's Early Years Childcare and Play Team have secured funding to build a Day Nursery which is aligned with proposals for a replacement school in the Ebbw Vale area. When completed it is anticipated that this scheme will offer approximately 60 new childcare places. There are therefore proposals in place to meet some of the growing demand in the medium term.</p>
3.6	<p><u>External Consultation Responses</u> <u>Welsh Water:</u> No response at the time of preparing this report.</p>
3.7	<p><u>Natural Resources Wales (NRW)</u> In their initial response (October 2019) NRW raised no objection to the proposed development. They noted however that the application site lies entirely within an area defined as Zone C2 by the Development Advice Maps (DAM) referred to in Technical Advice Note 15: Development and Food Risk (July 2004). They advised that their Flood Map (which is updated on a quarterly basis) confirmed the site to be <u>within</u> the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability of fluvial flooding from the River Ebbw.</p>
3.8	<p>Their initial response further noted that (based on the advice offered by the planning case officer) they had interpreted the application as being a change of use of a hotel and flat (highly vulnerable development) to a day nursery (which they understood the planning authority viewed as being an educational establishment, that would also be a highly vulnerable development). They recognised from the application details that no extensions were proposed to the building hence its footprint would not be altered.</p>
3.9	<p>In recognising the particular nature of the application they further noted that the current application presented an opportunity to raise awareness of the flood risks to current/future occupants, incorporate flood resistance/resilience measures into the refurbishment works and make provision for flood warning and emergency access/egress. They</p>

	<p>advised however that in order to assist the Authority with making a decision the Authority may wish to ask the applicant to provide a Flood Consequence Assessment (FCA), or alternatively that the applicants might wish to undertake an FCA, for their own benefit. They advised of the need for such an assessment to be undertaken by a suitable qualified person, the criteria for such an assessment (Appendix 1 of TAN (15)) and the potential flood resistance/resilience measures that could be considered.</p>
3.10	<p>In response to questioning by myself regarding some of the assumptions and comments contained in their response NRW provided further e-mail advice in November and December 2019 which can be summarised as follows : -</p>
3.11	<ul style="list-style-type: none">• They confirmed that their initial consultation response was based on an assumption that there was to be no change to the vulnerability of the use as they had assumed that the authority would have considered the current use, which included a first floor three bedroomed flat to have been classed as a highly vulnerable use.
3.12	<ul style="list-style-type: none">• They acknowledged however that if the Authority was considering the existing use of the building to be a restaurant/bar (a less vulnerable use) they (NRW) may need to re-consider their position.
3.13	<ul style="list-style-type: none">• In the context of the above bullet point, they noted that a para 6.2 of TAN 15 (and a clarification letter sent by Welsh Government to all Chief Planning Officers in 2014) had made it clear to Local Planning Authorities that highly vulnerable development and emergency services should <u>not</u> be permitted in Zone C2 and that the justification tests in para 6.2 of the TAN should not be applied to such circumstances.
3.14	<ul style="list-style-type: none">• They advised that the Planning Authority should initially make a planning policy decision on the application and unless the Authority are to argue 'overriding' reasons to consider granting permission (despite the sites location in Zone C2) they (NRW) would not comment on the risks and consequences of flooding and would advise that the application should be refused on planning policy grounds.

3.15	<ul style="list-style-type: none">• They highlighted that the decision whether development should be considered contrary to TAN15 policy is entirely a matter for this Authority but noted that if the Authority provides what it considers are overriding reasons for allowing the development and require their advice <u>no FCA had been provided</u> in support of the application.
3.16	<ul style="list-style-type: none">• They stressed that in the absence of an FCA NRW could not give technical advice on the acceptability of flooding consequences or confirm how the consequences of flooding could be acceptably managed over the lifetime of the development. They (NRW) confirmed that in such circumstances they would object to the planning application.
3.17	<ul style="list-style-type: none">• In response to being asked to further clarify on how the most recent use of the building should be classed in 'flood risk' terms NRW have more recently reaffirmed by reference to para 5.2 of the TAN that if the existing use of the building is mixed (ground floor bar and restaurant and first floor residential accommodation) the vulnerability attributed should that be defined by the most vulnerable use. They advised on such basis that if we believe the current use of the building to be highly vulnerable their initial advice stands - i.e. they would not object.
3.18	<p><u>Public Consultation:</u></p> <ul style="list-style-type: none">• 4 letters to nearby houses• 5 site notices• press notice• website public register of applications• ward members by letter• all members via weekly list of applications received• other
3.19	<p><u>Response:</u></p> <p>E-mail from a local resident claiming to represent herself and the occupants of two nearby residential properties expressing concern regarding the proposed change of use. It contends that Station Approach is a small lane that already experiences a high volume of traffic (including heavy vehicles) and is not in the best state of repair. Adding additional traffic associated with the proposed change of use therefore raises concern.</p>

3.20	<p>The author noted that Station Approach is accessed off the main road via a sharp bend where she has experienced near collisions. There is concern therefore that parents and children attending the proposed nursery and teenage children who walk to and from Pontygof School, and other buildings in the area will be at risk of being hit by vehicles. They also fear that if the change of use is granted, the building could later be changed to another use that is less desirable in a small compact community.</p>
3.21	<p>An e-mail was also received from a Ward Member requesting that the application be presented to the Planning Committee. The request was made on the basis that he understood that updated plans relating to flood risk are now available and that the development site is still at risk of flooding in Zone C2, although NRW are not recommending the development be refused. He noted that he has been advised that information received by the applicant shows that only the surrounding area is liable to flooding and not the building itself.</p>

4. Planning Policy

4.0	<p><u>Team Manager Development Plans:</u> The Blaenau Gwent Local Development Plan (LDP) indicates the site lies within the settlement boundary (Policy SB1) within which development is generally permitted subject to policies in the Plan and other material considerations. The Plan also indicates that the site borders a site of Importance for Nature Conservation (SINC) (ENV3.28).</p>
4.1	<p>As the proposed development is within close proximity of the Ebbw River, this creates an issue, regarding the majority of the site being within a C2 flood zone area (TAN15). It is identified as such on the recently revised NRW Development Advice Maps.</p>
4.2	<p><u>Land Use</u> For the purpose of the proposed development the nursery is classed as an educational establishment. Policy SP8 (c) of the LDP is also relevant as it states that employment in health and social care will be encouraged within town centres and in conjunction with the hospital at The Works. This property falls within walking distance of The Works and the Town Centre of Ebbw Vale.</p>
4.3	<p><u>Flood Risk</u> Policy SP7 aims to direct new development away from those areas</p>

	<p>which are at high risk of flooding. The majority of the site lies in a C2 Flood Zone which is an area of the floodplain without significant flood defence infrastructure. Technical Advice Note (TAN) 15: Development and Flood Risk (2004) advises that new development should be directed away from Zone C recognising that highly vulnerable development in Zone C2 should not be permitted. Planning Policy Wales 10 states that development should reduce, and must not increase, flood risk arising from river flooding on and off the development site itself.</p>
4.4	<p>In this case the proposal is for a change of use from a public house/hotel, a low vulnerability development, to a nursery (education establishment) (D1), which is highly vulnerable development as classified in TAN 15. This goes against advice set out in TAN 15 and PPW 10. <u>Planning Policy accordingly object to the proposed change of use on such grounds. In summary, this development site lies within a C2 floodplain where highly vulnerable development is not permitted.</u></p>
4.5	<p><u>LDP Policies:</u> SP7 – Climate Change SP8 – Sustainable Economic Growth DM1 – New Development DM2 – Design and Place Making ENV3 – Site of Importance for Nature Conservation SB1 – Settlement Boundaries</p>
4.6	<p><u>Supplementary Planning Guidance</u> Access, Car Parking and Design (March 2014)</p>
4.7	<p><u>National Planning Policy</u> Technical Advice Note 15: Flood Risk and Development (July 2004) Planning Policy Wales 10: Water and Flood Risk (6.6) (2018)</p>

5. Planning Assessment

5.0	<p>My assessment of the current applications falls into two distinct parts. The first part deals with the principle of the development, whilst the second section deals with other planning policy and material considerations that might otherwise influence determination of the application. It will be of benefit for Members to be advised from the outset that in my opinion there are no issues raised in the second part of this report that could not be addressed by the imposition of suitably worded planning conditions. Member's</p>
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	<p>consideration of the application should therefore be focussed on the acceptability of the proposed development in land use terms, particularly in terms of national and local planning policies and guidance relative to flood risk.</p>
5.1.1	<p><u>Principle of Development</u> The adopted Blaenau Gwent Local Development Plan (LDP) confirms that the application site lies within the settlement boundary (Policy SB1) where subject to the satisfaction of the relevant policies outlined in the LDP, development is generally permitted.</p>
5.1.2	<p>The LDP Constraints Plan also confirms that the site borders a Site of Importance for Nature Conservation (SINC) as defined by Policy ENV3.28 of that plan. Members will also appreciate from the Consultations section of this report that the site also falls largely within Flood Zone C2 (as defined by the Development Advice Maps (DAM) associated with Technical Advice Note 15: Development and Flood Risk (2004) (TAN 15)). Accordingly the Team Manager Planning Policy raises significant concerns and objections to the development from a planning policy perspective, citing in particular national planning policy and advice and policies SP7 and DM1 of the adopted LDP.</p>
5.1.3	<p>The application seeks permission for '<u>new development</u>', namely the change of use of the entire premises from what the applicants submitted 'existing floor survey plans' confirm as having been more recently used as a ground floor public house/restaurant and first floor 3 bedroomed flat/residential accommodation to a nursery that would provide spaces for up to 100 children between the ages of 12 weeks and 12 years. It is proposed that all of the ground and first floor of the building would be used for the purposes of a nursery and associated accommodation.</p>
5.1.4	<p>As an educational facility, the proposed nursery represents what is defined in TAN 15 as 'highly vulnerable development' (para 5.1 fig. 2 refers). The TAN (para 6.2) clearly advises that '<i>New development should be directed away from Zone C and towards suitable land in zone A, otherwise to zone B where river or coastal flooding would be less of an issue.</i> It also clearly states that '<u>highly vulnerable development and Emergency Services in zone C2 should not be permitted</u>'. Affirmation of such advice was subsequently provided in a letter from in relation to Welsh Government to all Chief Planning Officers dated 9th January 2014.</p>

	<p>The proposed use of the building as a nursery (which TAN 15 para 5.1 identifies to be a highly vulnerable use) therefore clearly conflicts with national and local planning policy and TAN 15 advice.</p>
5.1.5	<p>Members should note at this juncture that the applicant was made aware of the planning policy objection to the use of the premises as a nursery in a detailed response given by officers to a preliminary enquiry he submitted to the Authority in 2019 <u>before</u> the current application was submitted. He was advised on such basis that any application submitted for the proposed use was likely to be recommended for refusal.</p>
5.1.6	<p>In the above circumstances the planning policy position is clear – the planning application should be refused for flood risk reasons.</p>
5.1.7	<p>Members will appreciate however from reading the Consultations section of this report that the responses received from NRW i.e. they do not object to the development, might suggest that the Authority could set aside the '<i>in principle</i>' objection to the current application. I am also mindful that in the Design and Access Statement (DAS) submitted with the application and in recent correspondence with the Authority the agent has sought to argue why the substantive policy objection to this development should be set aside. To assist Members I have noted below the issues and arguments which have been raised during the consideration of the application and have sought to explain the weight (if any) that they might justifiably afford to such matters.</p>
5.1.8	<p>Members will appreciate that when dealing with flood risk issues a planning authority will understandably have regard to the advice that it receives from NRW. It should be appreciated however that NRW's role in the planning system is to provide <u>technical advice</u> on the level of flood risk, its likely impacts upon proposed development and how that risk might be mitigated or avoided. It is made clear in the response received from NRW that it is the Planning Authority's responsibility in the first instance to determine whether a proposed development complies with planning policy and only where development complies with policy should the Authority seek their advice on the more technical aspects of a proposal e.g. the adequacy of a FCA. In my opinion the fact that NRW has confirmed that they would not object to the proposed development should</p>

5.1.9	<p>carry little (if any) weight in the circumstances of the current application.</p> <p>Members will also note from the Consultation Section of this report that there has been dialogue between NRW and the Authority regarding what level of vulnerability the most recent use of the building should be classed as in 'flood risk' terms. Was it used for a highly vulnerable or a less vulnerable use? This discussion was considered necessary in order to avoid any misinterpretation of the advice that was being offered by a statutory consultee, particularly as the references to the existing use of the building in application documents and in planning history records and consultee responses varied between hotel, public house, restaurant, and first floor flat and or residential accommodation. In summary the correspondence from NRW has indicated that if the vulnerability of the existing use was already 'high' they would not object to the development but would suggest that the opportunity should be taken to raise awareness of flood risk to future occupants, incorporate flood resistance/resilience measures into the refurbishment works and make provisions for flood warning and emergency access/egress. In this context their correspondence suggested that in order to aid the Authority in its decision making we might wish to request a Flood Risk Assessment or alternatively the applicants might choose to provide such an assessment for their own benefit. Conversely they have advised that if the Authority considers the authorised use of the building to be less vulnerable they would object to the development for flood risk reasons.</p>
5.1.10	<p>Having considered the NRW responses and TAN 15 advice carefully I am of the opinion that the current, versus proposed vulnerability status of the building (in flood risk terms) is of limited relevance to the determination of the application. Whilst NRW may consider it relevant from a technical perspective it appears to hold no relevance in planning policy/guidance terms. National planning policy and guidance (as supported by adopted LDP policies SP7 and DM1) is clear – TAN 15 explicitly states that highly vulnerable development should not be permitted in Flood Zone C2. In my opinion in such circumstances the weight that Members should place on the fact that NRW do not object to the development is therefore marginal. NRW have made it clear in their responses that it is the responsibility of the planning authority in the first instance to make a policy decision on any proposal. In advocating this approach I am mindful that the decisions made by the Planning</p>

	<p>Inspectorate, (particularly over more recent years) in relation to appeals which deal with flood-risk and TAN 15 issues adopt the approach that I am advocating towards the current application - it is an application for 'new development' which involves a highly vulnerable development in a C2 flood risk area which should not be allowed.</p>
5.1.11	<p>Members will note from the responses received from NRW that the applicants have <u>not</u> submitted a FCA to accompany the current application. However the agent has submitted to the Authority a copy of and correspondence that refers to a report titled 'River Ebbw Integrated Catchment Model' (Natural Resource Wales – June 2019). This report outlines a survey undertaken by Wallingford Hydrosolutions Ltd on the River Ebbw. This I understand to be the report prepared for NRW that resulted in the changes that were made to the most recent NRW DAM issued in October 2019.</p>
5.1.12	<p>In accompanying correspondence the agent contended '<i>that this report was significant in its effect on their site</i>'. However based on my assessment of the changes made to the NRW DAM in October 2019 I cannot accept this view. It is noted that NRW have not made any reference in their planning consultation response to the report cited by the agent, their response clearly advises that the development proposal has been considered in light of their DAM (October 2019) and that the development site still falls largely within Flood Zone C2</p>
5.1.13	<p>In order to clarify matters referred to by a ward Member in this regard and assist Members in their understanding of the case I have included below an extract from the October 2019 version of the NRW DAM. The blue shading shows the extent of the Zone C2 Flood Risk Area relative to the application site boundary (outlined in yellow). I have also sought to add to that plan (in black) an outline of the footprint of the existing building. Members will note from this plan that it is clear that the majority of the building and almost all of its curtilage falls <u>within</u> the C2 Flood Risk Area. I suggest on such basis that the agent's claims that the changes made to the flood maps in October 2019 were significant to the determination of the current application are not substantiated by the current DAM.</p>



*Members should note that this plan is shown for illustrative purposes only and is not to a defined scale.

5.1.14 Members also need to be mindful that the information provided in the 'River Ebbw Integrated Catchment Model' (Natural Resource Wales – June 2019) report was generic information relating to a wider catchment area rather than a 'site specific' report. It appears from the agent's correspondence that he is seeking to use the report to justify that the application building is no longer in a flood zone C2. Clearly this is not the case as the October 2019 DAM was not amended to such effect. It is further noted that such claims also contradict statements made in the DAS submitted with the application where the agent clearly acknowledges that '*The Bridge lies within a C2 Flood risk area and this remains the case even after the revised appraisal of flood risk which is released in October this year*'

5.1.15 Members must also appreciate that the Wallingford report (June 2019) which has been cited by the agents should not be confused with a Flood Consequences Assessment (FCA) which NRW have suggested should be sought from the applicants should the Planning Authority deem it appropriate to support the application, contrary to TAN 15 advice and adopted local plan policy. Hence if Members were minded to set aside the policy objection to this development I would strongly advocate that they should require the applicants to commission a site specific FCA before the application is determined to enable the Authority to be satisfied that the consequences of flooding could be appropriately managed.

5.1.16	<p>In the 'Design, Planning and Access Statement' accompanying the planning application, the agent acknowledges the proposed nursery is deemed to be highly vulnerable development falling within Flood Zone C2. However in support of his clients proposal he highlights other buildings and uses in the locality, that are also deemed to be highly vulnerable development falling within Flood Zone C2, and notes that these have been granted permission by this Council. He refers specifically to the use of the former Stewards House (now called and subsequently referred to in this report as Canolfan yr Afon), located to the north and within the car park of Ebbw Vale Rugby Ground, and Ebenezer Church (Grade II Listed Building). In this context I have reviewed the decisions referred to by the agent and can advise Members as follows :-</p>
5.1.17	<p>Planning permission was granted by this Authority on 7th April 2015 for change of use of the Canolfan yr Afon building from residential dwelling to a specialist educational facility (C/2015/0011 refers). In that case, both the former and permitted uses were deemed to be highly vulnerable developments. I fully accept that the circumstances surrounding that case are very similar to those that apply to this proposal – the existing use in that instance was clearly residential and the proposed use was an educational facility. <u>The use proposed was one that should not have been supported in a C2 flood risk area.</u> However the officer's report to Committee at that time highlighted the fact that the proposal removed a residential use and proposed an alternative use (which does not include overnight sleeping accommodation as recently claimed by the agent) that would operate over a restricted number of hours by a relatively small number of teenagers. Having noted the lack of an objection from NRW and the particular circumstances of the proposal it was deemed by officers and accepted by Committee <u>at that time</u> that on such basis the change of use proposed could be supported. It must be acknowledged however that since 2015 the approach to flood risk has changed considerably and it is now the subject of far greater scrutiny at both national and local planning policy levels. In that context I conclude that there are no justifiable reasons to recommend that a similar approach is taken to the current proposal, particularly as the proposed use would involve a comparatively intensive use of the entire building by potentially 100 children between the ages of 12 weeks and 12 years.</p>
5.1.18	<p>In the case of Ebenezer Chapel, planning advice was sought from</p>

	<p>officers (in 2008) in relation to the proposed change of use of the building to a pre-school nursery. Officers correctly advised that as both the chapel and nursery uses fell into the same use class (D1 of the Use Classes Order) planning permission was not required for such development. It is understood that whilst the building was used as a nursery for a short period the use has since ceased. Any use of the building as a nursery would therefore have been exercised as a result of permitted development rights rather than any specific consent issued by this Authority.</p>
5.1.19	<p>Based on the above I cannot accept the agent's contention that the Council can or should exercise flexibility' in interpreting national policy or that the 'flexible' approach taken in relation to historical cases should justify a similar response to the approach to the current proposal. Whilst I fully acknowledge that the Authority's interpretation of national policy and TAN 15 guidance in 2015 (when the application for Canolfan yr Afon was approved) might not have been as strict as it is currently in my opinion this can be fully explained by :</p> <ul style="list-style-type: none">• the increasing focus placed by stakeholders since 2015 on flood risk issues;• a better understanding of TAN 15 and the advice contained in clarification letters issued to Planning Authorities by Welsh Government and NRW (2014 and 2015) which had only been issued shortly before the 2015 decision was made; and• the repeated dismissal of planning appeals by Planning Inspectors over more recent times for similar planning policy objections in circumstances comparable to this case.
5.1.20	<p>Having responded above to the specific cases referred to by the agent I am satisfied that the position that I am advocating in relation to the current application is also consistent with an approach that has been adopted by the Authority over recent times in relation to a number of applications where highly vulnerable development in C2 flood risk areas have been proposed. I am satisfied that in the few exceptional instances where the authority has supported development that may have fallen within C2 areas one or more of the following circumstances would have applied :-</p> <ul style="list-style-type: none">• the proportion of those sites that fell within a C2 flood risk area was insignificant;• the footprints of buildings proposed fell outside the flood risk

	<p>area;</p> <ul style="list-style-type: none">• the topography of the particular site clearly demonstrated that flooding would not be an issue : and• the sites were in areas that were known to be scheduled to be excluded from the DAM. <p>I am of the opinion that the circumstances that relate to the current application are such that it would clearly fail to meet these criteria.</p> <p>5.1.21 Having considered the circumstances of the cases cited by the agent and those other decision made by the Authority over recent times in my opinion the weight Members should give to the arguments of precedent advocated by the agent should carry little if any weight.</p> <p>5.1.22 Finally, one of the arguments presented by the agent in support of approving the current application is the fact that such development would potentially bring back into use a building which is currently vacant, would secure economic benefits by creating up to 25 jobs (anticipated to be a maximum of 16 staff on site at changeover times) and would provide a facility that would meet a potential need for future childcare facilities in the area. <u>Such arguments are not disputed.</u> However whilst such arguments could have been used (in conjunction with other tests outlined in para 6.2 of the TAN) as a basis to support the use of the building for ‘other’ non-highly vulnerable developments in C2 areas, such arguments cannot be used to override the fundamental policy objection to highly vulnerable development in C2 flood zones.</p> <p>5.1.23 In application related documents and correspondence the agent has also suggested that the Authority is behaving unreasonably in requiring that the building continues to be used as a public house, especially as such businesses are known to be facing difficult economic challenges. He has also referred to the fact that the applicants have sought to investigate other possible uses such as a residential development but that an application for such development was withdraw because of a planning policy objection based on flood risk. It should be made clear that at no time has the planning authority advised that the building must be retained as a public house. The challenge for the owners (because of the building’s location within a C2 flood zone) is to find an alternative use that in not classed as highly vulnerable. The planning</p>
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	<p>application referred to was in fact 'finally disposed of' by the planning authority in 2014 (two years after it was submitted) as the applicants failed to provide an FCA that might have satisfied NRW that the site could be developed for residential purposes. The impasse which had been reached in relation to technical aspects of that application would have been notwithstanding a policy decision which the authority would have been required to make relative to the proposal back in 2014.</p>
5.2.1	<p><u>Other planning policy and material considerations</u></p> <p>Having appraised Members in detail above on the acceptability of the proposal from a flood risk perspective I have referred below those other planning policy and material planning considerations that must be addressed as part of any comprehensive assessment of the current planning application, namely</p> <ul style="list-style-type: none">i) Land use compatibility and amenity,ii) Highwaysiii) Appearance and Designiv) The need for nursery childcare provision
5.2.2.	<p><u>Land Use Compatibility and Amenity</u></p> <p>The development site is a detached building with a large parcel of land to the side and rear. Immediately to the north of the site lies Canolfan yr Afon which is used for educational purposes. In terms of amenity I have no reason to believe that using the application as a nursery would impact adversely on the amenities of the users of that building.</p>
5.2.3	<p>To the south, and on the opposite side of the road, lie Ebenezer Chapel and two dwellings, Vestry House and Chapel House. The separation distance between The Bridge and these buildings is approximately 25.0m. Within this intervening space will be the car park, woodland school area and the public highway.</p>
5.2.4	<p>With the exception of the fire escape which is to be sited on the south elevation of the main building there are no changes proposed to the building. This new access is intended for use only in the case of emergencies hence such change will only have a minimal impact on the amenities of the occupiers of neighbouring properties.</p>
5.2.5	<p>I have considered how the use of proposed parking and turning area may impact on nearby residents. The proposed layout plans</p>

	<p>confirm that the access arrangements to the side rear of the building will not change, and the parking arrangements for the proposed nursery would involve formalising the current use I consider its use will have no greater or lesser impact on nearby residents than its authorised use as an informal parking area to the existing public house/restaurant might cause. As a public house/restaurant the site had the potential to attract a significant level of traffic movements over a long period of time, whereas movements associated with the proposed nursery are likely to be focused during the day time (as indicated by operating hours). Furthermore drop off and pick times may be more structured to accord with full time and part time attendance arrangements.</p>
5.2.6	<p>In addition to the properties mentioned above, there are three additional dwellings located further south of the site. Given the separation distance between these properties and the application site I have no cause to believe that the use of the building and its curtilage as a nursery would impact significantly on the residential amenity of the occupants of those dwellings.</p>
5.2.7	<p>The Pontygof area currently enjoys a diverse mix of land uses, some of which primarily operate during the day and others that operate into the night. In considering the acceptability (or otherwise) of the proposed use I am also mindful of the need to consider the fall-back position of The Bridge which historically has been used as a public house. Taking account of this, I am satisfied that the proposed nursery is compatible in land use terms with adjacent land uses and should not give rise to any significant amenity issues. In my opinion the proposal therefore complies with Policy DM1 2 a. and c. and Policy DM2 a. of the adopted LDP.</p>
5.2.8	<p>The e-mail received from a member of the public raised concern that should permission be granted for the day nursery (Use Class D1), the building could later be changed to another use that would be less desirable in a small compact community. Members will appreciate that this could be the case given that any future use falling within the same use class (D1) as the day nursery could be implemented without planning permission. However such matters are speculative and should not prejudice the consideration of the current application. Notably any specific concern in such respect could be addressed by imposing a condition that would restrict the future use of the building to a nursery use only.</p>

5.2.9	<p><u>Highway Considerations</u></p> <p>The proposed site plan shows that land to the south side and rear of the building will be laid out to provide 16 parking spaces and 1 disabled parking space, a drop off /turning zone for vehicles and an area dedicated for parking of 5 cycles. Part of this area will have a tarmac surface and the other will have a gravel surface. The revised layout plan addresses concerns initially raised by the Council's Highways Engineer who has now confirmed that the only outstanding issue from his perspective is the layout of the proposed cycle parking area, which can be addressed by the imposition of a planning condition.</p>
5.2.10	<p>The submitted layout plan shows an additional 7 parking spaces on Station Approach fronting the building. Such spaces fall outside the development site boundary, on the public highway and cannot be specifically identified or relied upon to serve the development. Notwithstanding this, the parking areas to be provided to the rear of the building meet highway requirements of the development which is therefore compliant with Policy DM1.3 of the adopted LDP and the guidance outlined in SPG Access, Parking and Design (March 2014).</p>
5.2.11	<p>Members will note third party concerns that an increase in vehicle movements resulting from the proposed development will exacerbate problems that residents currently experience on Station Approach. Of particular concern to residents is the sharp bend at the junction with the main road which allegedly is not respected by some drivers and where near collisions have occurred. It is feared that such issues will put parents and children attending the proposed nursery and teenage children who walk to and from the nearby school and other buildings at risk of being hit by vehicles.</p>
5.2.12	<p>Whilst I note these concerns, Members are advised that Station Approach is an adopted public highway that has historically served the development site and other significant uses at Pontygof. The problems that have been experienced by the public are likely to have arisen as a result of driving habits of individuals and cannot be attributed directly to any existing or proposed buildings/land uses in the locality. A consultation response from the Council's Highways Engineer raises no objections to the development and requires only that a condition be imposed that requires full details of proposed cycle parking be provided for approval. As such the proposal complies with Policy DM1.3 of the adopted LDP.</p>

5.2.13	<p><u>Appearance and Design</u></p> <p>The plans accompanying the application clearly show how the ground and first floors of the building can be laid out to accommodate nursery and childcare provision across the age ranges proposed, together with staff and ancillary facilities. Changes proposed to the outside of the building relate to an external fire escape/stairs that will be located on the southern elevation of the building. This will provide a means of escape from an existing doorway located at first floor level. It is a relatively minor addition to the property that will not, in my view, detract from the character of the building or give rise to visual amenity concerns when viewed from the wider area.</p>
5.2.14	<p>Between the fire escape and the southern boundary of the site a small area will be enclosed with timber fencing to provide a secure bin store. It is also proposed to replace the existing timber fencing on the north west boundary of the site with 1.8m high close boarded fencing which raises no concerns as it will replicate existing boundary treatments and will help secure the site and screen it from the public highway. Chain link fencing (height 1.5m) will separate the proposed play areas to the rear of the building and enclose the woodland school area at the south end of the site. Both are considered visually acceptable in this location.</p>
5.2.15	<p>Overall the development includes little change to the building and its setting and will therefore have no adverse impact on the townscape. On such basis the development complies with Policy DM1 2 b and Policy DM2 a, and b of the adopted LDP.</p>
5.2.16	<p><u>The Need for Nursery/Childcare Provision</u></p> <p>Whilst the Council's Early Years Childcare and Play Manager has provided information in relation to current childcare provision within the Ebbw Vale area and those factors that may affect future need, such matters should not influence the consideration of this application, which must be considered entirely on its planning and land use merits in light of adopted local and national planning policies.</p>
6. Legislative Obligations	
6.1	<p>The Council is required to decide planning applications in accordance with the Local Development Plan unless material considerations indicate otherwise. The planning function must also</p>

6.2	<p>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> <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>
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7. Conclusion and Recommendation

7.1	<p>I fully accept that the development proposed in this instance would bring back into use a building which is currently vacant, would provide a nursery together with a range of childcare facilities that could assist in meeting the needs of the local community and would secure wider employment benefits. However, whilst the detailed aspects of the proposal have been found to be compliant with other relevant LDP policies, it has been clearly established that the proposed development conflicts with both adopted development plan and national planning policies relating to flood risk. The conflict and harm that would result from allowing this development would not be outweighed by matters argued in favour of the development outlined above. The fact that the proposal represents a highly vulnerable development within a C2 Flood Zone is a compelling reason why planning permission should not be granted.</p>
7.2	<p>In a relatively recent appeal decision issued by a Planning Inspector (dealing with a comparable similar 'new development/change of use' situation to that being considered in this instance) an Inspector clearly advised that :-</p> <p><i>'Notwithstanding the lawful status of the existingthe proposal is for new development and therefore it is highly vulnerable in a zone C2 which should not be permitted in accordance with TAN 15 and the 2014 WG letter. The development is not categorised as 'all other development' which might be less vulnerable to flooding and therefore the justification tests do not fall to be considered'. He further noted that 'para 6.2 of TAN 15 is categoric that new development which is highly vulnerable</i></p>

<p>7.3</p> <p>7.4</p>	<p><i>development should not be permitted in a C2 Zone. This advice provides no flexibility for this category of development in a C2 zone which is reinforced in the 2014 Welsh Government letter.'</i></p> <p>In summary, the fact that the development relates to a change of use and involves no built development is irrelevant in planning policy terms and arguments based on the vulnerability of the existing authorised use of the building are of no direct consequence as national and local adopted plan policy do not make exceptions based on such factors.</p> <p>Notwithstanding the fact that NRW have not objected to the application from a technical perspective, the planning policy position is clear, permission is being sought for 'new development' which is classed as highly vulnerable in a building which falls largely within an area defined by NRW DAM as a C2 flood zone. PPW 10, TAN15 advice, and Policy SP7 2(b) of the adopted Blaenau Gwent Local Plan indicate that such development is not acceptable. Based on such legitimate planning considerations it is recommended that the planning application should be REFUSED for the following reason:</p> <ol style="list-style-type: none"> 1. The development site is located largely within a C2 Flood Zone, as defined by Development Advice Maps associated with Technical Advice Note 15: Development and Flood Risk (2004) (TAN 15). The proposed nursery represents highly vulnerable development. Para 6.2 of TAN 15 clearly states that highly vulnerable development should not be permitted within Zone C2. Permitting such a use would therefore be in direct conflict with Technical Advice Note 15: Development and Flood Risk (2004); and the in principle objection reaffirmed by The Chief Planning Officer letter from Welsh Government dated 9th January 2014 and Policy SP7 2 (b) of the adopted Blaenau Gwent Local Development Plan.
<p>8. Risk Implications</p>	
<p>8.1</p>	<p>The planning authority seeks to deal with planning applications in the Borough in an equitable and transparent manner having regard to relevant planning policy and other material planning considerations. Approving a highly vulnerable development in a C2 Flood Zone would set an unacceptable precedent for development</p>

<p>that conflicts with national planning policy and adopted local plan policy. Such a decision would undermine the credibility of the Planning Authority which has sought in recent years to advise all applicants and prospective developers in accordance with the requirements of flood risk related policy and related advice.</p>
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Planning Report

Application No: C/2019/0308	App Type: Full
Applicant: Mr Matthew Taylor 26 Greenacres Drive Otterbourne Winchester SO21 2HE	Agent: As applicant
Site Address: 30 Marine Street, Cwm, Ebbw Vale	
Development: Conversion of existing 3 bed 2 storey terraced house into a 5 bedroom house of multiple occupancy (HMO) and to demolish existing garage to provide a parking space.	
Case Officer:	Lesley Taylor



1. Background, Development and Site Context

- 1.1 The development site is a mid-terrace, two storey dwelling, fronting Marine Street in Cwm. At the rear it has a two storey extension and single storey flat roof extension with a yard/garden area. The submitted plans indicate there is a fire damaged garage at the rear of the property, however at the time of my site visit the garage had been demolished, giving open access from the rear service lane. The development site sits between a convenience store and clothing store and there are a number of other commercial premises in the terrace. However the area is generally residential in character.
- 1.2 This application seeks permission to change the use of the property from a 3 bedroom dwelling (C3) to a 5 bedroom house in multiple occupation (HMO) falling into use class C4. There are no changes proposed to the external elevations of the property. Internally the ground floor will be reconfigured to provide 1 bedroom, hallway and lounge. The existing kitchen will be retained and the bathroom converted to two shower rooms. It is proposed to provide 4 bedrooms at first floor level.
- 1.3 The removal of the former garage will facilitate an off-street parking space together with a bike store. The remainder of the garden will provide amenity space.

2. Site History

	Ref No	Details	Decision
2.1	C/1993/0069	Garage	Approved 07/01/1994

3. Consultation and Other Relevant Information

- 3.1 **Internal BG Responses**
- 3.2 Team Leader Building Control:
Building Regulations consent required.
- 3.3 Service Manager Infrastructure:
Highways:
No objections subject to the proposed off-street parking area and cycle storage facility being fully constructed prior to occupation of the HMO.
- 3.4 Service Manager Public Protection:
No objection to the proposed development. Officers have provided the HMO general information to the applicant.
- 3.5 **External Consultation Responses**
- 3.6 Welsh Water:
No objections.

<p>3.7</p> <p>3.8</p> <p>3.9</p> <p>3.10</p> <p>3.11</p>	<p><u>Public Consultation:</u></p> <ul style="list-style-type: none">• 7 letters to nearby houses• 1 site notice• press notice• website public register of applications• ward members by letter• all members via weekly list of applications received• other <p><u>Response:</u></p> <p>An email received from a member of the public raised objection to the development on the basis that the community of Cwm is already experiencing problems with crime resulting from an existing HMO at River Row, and that such matters are causing much distress to residents. It also states that the police are frequently called to deal with alcoholism and antisocial behaviour at that address.</p> <p>The email also highlights parking problems in the street whereby cars are frequently parked on double yellow lines opposite the development site. There is concern that an additional 5 cars will add to this problem and will compromise the safety of local school children crossing to use the convenience store/sweet shop next to the development site. The author states that residents do not want another HMO in the village, as it does not 'need more problematic people', and requests that the objections are considered by the planning committee.</p> <p>A call-in request was made in an email received from a Ward member who is also a Member of the Planning Committee. This request is made on the basis that he, and local residents object to the development given that Cwm 'has more than enough of this type of development' and anti-social behaviour problems. There is concern that further development of this nature would encourage more such problems.</p>
4. Planning Policy	
<p>4.1</p> <p>4.2</p>	<p><u>Team Manager Development Plans:</u></p> <p>The Blaenau Gwent Local Development Plan (LDP) indicates that the site lies within the settlement boundary within which development is generally permitted subject to policies in the Plan and other material considerations. The site is not the subject of any designations or constraints according to the LDP Proposals Map and Constraints Map.</p>

4.3	The site is located in a residential area and the development proposes a change of use from a dwelling with 3 bedrooms (Class C3) to a house in multiple occupation (HMO) with 5 bedrooms falling into Class C4 and as such there is no issues with land compatibility.
4.4	The Access, Car Parking and Design SPG requires there to be 1 space per bedroom up to a maximum of 3 for this type of development. There is parking provision set out at the rear of the property, with the demolition of the fire damaged garage. However this still falls short of the number of spaces required by the SPG.
4.5	There are no planning policy objections in principle to the proposed change of use. However the property would not meet the required parking provision set out in the Access, Car parking and Design SPG, a view from Highways is required in this regard.
4.6	<u>LDP Policies:</u> SP4 – Delivering Quality Housing SP6 – Ensuring Accessibility DM1 – New Development DM2 Design and Place Making SB1 – Settlement Boundary
4.7	<u>Supplementary Planning Guidance</u> Access, Car parking and Design(March 2014)
4.8	<u>PPW & TANs:</u> Technical Advice Note 12: Design (March 2016)

5. Planning Assessment

5.1	The Blaenau Gwent LDP indicates that the site lies within the settlement boundary (SB1) within which development is normally permitted subject to compliance with policies in the plan and other material considerations.
5.2	Whilst there are a number of commercial properties in the vicinity, Marine Street is largely residential in character and the change of use from a single dwelling to a HMO, also a residential use, raises no concerns in terms of compatibility.
5.3	I am mindful that a large number of HMO's in a given area can change its character e.g. areas providing student accommodation. However Marine Street is not such an area. The dwellings here are typically occupied as one

	<p>household, and granting permission for this 5 bedroom HMO would not, in my view unduly impact on the character of the area and how it functions.</p>
5.4	<p>As confirmed earlier in the report, this application does not propose to make any changes to the appearance of the building. The floor plans clearly indicate how the property will be laid out internally to provide the 5 bedrooms together with communal amenity areas and wash facilities. All windows are existing, and I have no concerns in relation to overlooking resulting from the proposed internal arrangements. In terms of amenity, the proposed HMO</p>
5.5	<p>(C4) use class limits the number of unrelated individuals in small shared houses to 6 and I see no just cause to suggest that the proposal will have any greater impact than a single large household residing as one family unit.</p>
5.6	<p>As a result of public consultation, an email was received that raised concerns over the future tenants given problems currently being experienced with occupiers of the nearby Ty Cwm property. Such concerns cannot form the basis for refusing planning permission. The planning system has no jurisdiction over the selection of tenants; this is the responsibility of the property owner. In any case there are other means of dealing with nuisance tenants and for dealing with noise issues or public disturbance should the need arise in the future. In terms of residential amenity, I am satisfied that the development complies with Policy DM1 2. a, c and d of the LDP.</p>
	<p><u>Parking Provision</u></p>
5.7	<p>The plans submitted indicate that one off-street parking space and bike store will be provided at the rear of the property.</p>
	<p>An objection has been received that on-street parking is an issue in this location and an additional 5 cars would exacerbate this. This development wouldn't necessarily result in an additional 5 cars as the property is currently a 3 bedroom dwelling. This development proposes an additional 2no. bedrooms.</p>
5.8	<p>Off-street parking is however an important factor in assessing the suitability or otherwise of the proposed development. Members will note that the Council's Highways Engineer has no objections to the current development proposal. To accord with the Council's adopted 'Access, Car Parking and Design' SPG a development of this nature is generally required to provide one parking space per bedroom up to a maximum of three spaces, plus one visitor parking space. However the Highways Engineer has applied the sustainability criteria outlined in the SPG which allows a reduction in the number of parking spaces required based on the credentials of the development i.e. its proximity to and frequency of local transport, walking</p>

5.9	<p>distance to local shops, schools and other community facilities. When such criteria are applied in this case, the provision of one parking space is deemed to be sufficient. It is also noted that the applicant will also provide an area for the storage of bikes which encourages the use of sustainable travel. On this basis it is confirmed that the proposed development complies with the requirements laid out in the SPG and subsequently Policy DM1 3 d, of the adopted LDP.</p> <p><u>Conclusion</u> The use of the development as a house in multiple occupation (HMO) is a conforming use in this residential area, which can be accommodated without having an unacceptable impact on the amenity of local residents.</p>
6. 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. Conclusion and Recommendation	
7.1	<p>I recommend that planning permission be <u>GRANTED</u> subject to the following condition(s):</p> <ol style="list-style-type: none">1. The development hereby approved relates to the following approved plans:<ul style="list-style-type: none">• Site location plan, stamped received 13th November 2018;• Proposed Floor Plan, stamped received 13th November 2018Reason: to clearly define the scope of the permission.2. The off-street parking space and bike store must be provided in accordance with the approved plans prior to the beneficial occupation of the property as an HMO. Such areas shall be kept available for the parking of vehicles and bikes at all times and for no other purpose.

	<p>3. The development shall begin not later than five years from the date of this decision notice. Reason: To comply with the requirements of Section 91 of The Town and Country Planning Act 1990.</p>
8. Risk Implications	
8.1	In the event planning permission is refused the applicant may appeal to the Planning Inspectorate.