

<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	<b>The Chair and Members of Planning, Regulatory and General Licensing</b>
<b>Report Subject</b>	<b>Planning Applications Report</b>
<b>Report Author</b>	<b>Team Manager Development Management</b>
<b>Report Date</b>	<b>27<sup>th</sup> February 2020</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>12<sup>th</sup> March 2020</b>

### **Report Information Summary**

<b>1. Purpose of Report</b>	
To present planning applications for consideration and determination by Members of the Planning Committee.	
<b>2. Scope of the Report</b>	
Application No.	Address
C/2019/0330	Unit 2, Tafarnaubach Industrial Estate, Tafarnaubach
C/2019/0310	1 Hawthorn Glade, Tanglewood, Blaina, NP13 3JT
<b>3. Recommendation/s for Consideration</b>	
Please refer to individual reports	

## Planning Report

<b>Application No:</b> C/2019/0330	<b>App Type:</b> Full
<b>Applicant:</b> Dragon Recycling Solutions Ltd. Mr Mick Young Unit 4 Heads of the Valleys Ind Est Tredegar NP22 5RL	<b>Agent:</b> Stuckey Architects Mr Ryan Stuckey 14 The Glade Plasdraw Aberdare CF44 0NX
<b>Site Address:</b> Unit 2, Tafarnaubach Industrial Estate, Tafarnaubach	
<b>Development:</b> 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	
<b>Case Officer:</b>	Steph Hopkins

### **1. FOLLOW UP REPORT FOLLOWING SITE MEETING**

- 1.1 This is a follow up report in relation to the planning application for the proposed 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 the above site.
- 1.2 The original report (appended) was discussed at the February 2020 meeting of the Planning Committee where Members raised concern regarding the potential impacts on nearby residents.
- 1.3 It was resolved to defer making a decision until Members had undertaken a fact finding site visit.
- 1.4 The site visit took place on Friday 14<sup>th</sup> February 2020.
- 1.5 During the site visit Members asked some questions that needed further clarification:
- 1.6 Was it possible for HGV's to turn within the site?  
During the site visit I confirmed that there had been no objection from the Highway Authority in respect of this matter. Nevertheless, I requested confirmation from the applicant that the existing kerbed area within the

proposed delivery yard would be removed to allow for free movement and turning of HGV's within the site and that they provide a Swept Path Analysis which could demonstrate the HGV's (40 tonne articulated trucks) could turn safely within the site.

- 1.7 The applicant confirmed the kerbed area would have to be removed to facilitate the turning of vehicles. The Highway Authority has confirmed that the submitted Swept Path Analysis is acceptable and they have no concerns regarding the turning of HGV's.
- 1.8 Will there be a cabin located with the weighbridge?  
No. The weighbridge would be hard wired to the office within the existing building.
- 1.9 Would the HGV's be unloaded on the weighbridge?  
No, this would be a health and safety risk.
- 1.10 What will be stored outside? Is it anything that would blow about?  
Only empty pallets which would be stored in the designated area. These would not blow about.
- 1.11 Would any flammable liquids be stored at the site other than gas bottles for fork lift trucks?  
No other flammable liquids would be stored apart from small amounts of cleaning products.
- 1.12 Could the operator refrain from working weekends?  
The applicant has confirmed that the needs of the business necessitate working hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on a Saturday.
- 1.13 Members should note that a condition has been suggested that would prevent arrival, departure, loading or unloading of vehicles within the yard area other than between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 13.00 on Saturdays. The applicant has agreed that he would be agreeable to have the condition amended to also prohibit this activity on Bank Holidays. In my opinion these restrictions are adequate to protect the amenity of nearby residents.
- 1.14 Can the proposed fence be extended to the rear boundary?  
As confirmed during the site visit, I do not think it is necessary to extend the proposed screen fencing. However, the applicant has confirmed that he would consider complying with this request.

1.15 **Conclusion**

Officer recommendation is that the proposal complies with local and national planning policy and that planning permission should be granted subject to conditions.

## Planning Report

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



Application Site

### 1. Background, Development and Site Context

- |     |  |
|-----|--|
| 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 Welsh Water:

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.

3.7 **Public Consultation:**

~~Strikethrough to delete as appropriate~~

- 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 Response:

3.9 **One letter of objection** has been received. The main issues raised are as follows:

- 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 130m<sup>2</sup> 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 60m<sup>2</sup> 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



3.10	<p>tree roots.</p> <ul style="list-style-type: none"> <li>• The loss of soft landscaping interrupts a vital wildlife corridor within the estate.</li> <li>• Approval of the current design would set a precedent for further similar structures to be built in the area.</li> </ul> <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>
<b>4. Planning Policy</b>	
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>
<b>5. Planning Assessment</b>	
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</p>

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



Fig 1.4



Fig 1.5

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

	<p>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.</p>
5.6	<p>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.</p>
5.7	<p>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.</p>
5.8	<p>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.</p>
5.9	<p><u>Other Matters</u></p>
5.10	<p>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.</p>
5.11	<p>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</p>

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).
<b>8. Risk Implications</b>	
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.