

**COUNTY BOROUGH OF BLAENAU GWENT**

**REPORT TO: THE CHAIR AND MEMBERS OF THE COUNCIL**

**SUBJECT: PLANNING, REGULATORY & GENERAL LICENSING COMMITTEE – 6<sup>TH</sup> FEBRUARY, 2020**

**REPORT OF: DEMOCRATIC SUPPORT OFFICER**

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**PRESENT: COUNCILLOR B. SUMMERS (CHAIR)**

Councillors M. Moore  
D. Bevan  
G. L. Davies  
D. Hancock  
W. Hodgins  
J. P. Morgan  
K. Pritchard  
K. Rowson  
T. Smith  
B. Thomas  
G. Thomas  
D. Wilkshire  
B. Willis  
L. Winnett

**WITH:** Service Manager Development & Estates  
Team Manager Development Management  
Team Leader Built Infrastructure  
Team Leader Development Management  
Planning Officer  
Solicitor Commercial Services  
Solicitor  
Communications, Marketing and Customer Access Manager

**AND: Public Speakers**

Mr. Terry Morgan (Agent) & Councillor G. Collier (Ward Member) – Application No. C/2019/0310 Retention and extension of raised decking area

Deborah Biggs (Objector) – Application No. C/2019/0330 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

David Meehan (Applicant) – Application No. C/2019/0280  
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 years to 40 years

Ellie Morgan (Applicant) & Councillors T. Smith and B. Willis  
(Objectors) – Application No. C/2019/0269  
Change of Use from former butchers to bar and restaurant with  
internal adaptations and 3 No. external lights.

John Preston (Objector) & Jonathan Pritchard (Agent) –  
Application No. C/2019/0346 Affordable housing development  
of 23 dwellings including new access road, landscaping and  
associated engineering and drainage works

Ryan Shepherd (Applicant) – Application No. C/2019/0273  
Change of use to nursery, bin storage, escape stair,  
landscaping and associated parking

### **DECISIONS UNDER DELEGATED POWERS**

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>	<b><u>ACTION</u></b>
<b>No. 1</b>	<b><u>SIMULTANEOUS TRANSLATION</u></b>  It was noted that no requests had been received for the simultaneous translation service.	
<b>No. 2</b>	<b><u>APOLOGIES</u></b>  No apologies for absence were reported.	
<b>No. 3</b>	<b><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></b>  The following declarations of interest were reported:  Councillor L. Winnett – Item No. 4 Appeals, Consultations and DNS – Update February 2020 (App. No. C/2019/0090 Star Fields off Mountain Road, Ebbw Vale	

	<p>Councillor M. Moore – Item No. 7 Planning Applications Report (App. No. C/2019/0280 Wauntysswg Farm, Abertysswg, Rhymney, Tredegar)</p> <p>Councillors T. Smith &amp; B. Willis – Item No. 7 Planning Applications Report (App. No. C/2019/0269 10 Castle Street, Tredegar)</p> <p>Councillor D. Bevan – Item No. 7 Planning Applications Report (App. No. C/2019/0308 – 30 Marine Street, Cwm, Ebbw Vale)</p>	
<p><b>No. 4</b></p>	<p><b><u>APPEALS, CONSULTATIONS AND DNS UPDATE – FEBRUARY 2020</u></b></p> <p>Consideration was given to the report of the Service Manager Development &amp; Estates, whereupon:-</p> <p><u><i>Application No. C/2019/0090 Star Fields off Mountain Road, Ebbw Vale</i></u></p> <p>Councillor L. Winnett declared an interest in this matter.</p> <p>A Member expressed concern that a decision had been taken under delegated powers to grant a Lawful Development Certificate (as listed in Item No. 6) and asked whether this would prejudice the appeal process.</p> <p>In response the Service Manager Development &amp; Estates explained that there were two separate issues ongoing at the site, i.e. the use of the premises for dog breeding, which was the subject of the appeal, and the enforcement issues in relation to unauthorised tipping activities on site. In terms of the status of the buildings, as part of the Lawful Development Certificate application the developer was given the opportunity to evidence that the buildings had been operational for a period exceeding 4 years, and the evidence provided proved that was the case. However, the Lawful Development Certificate does not cover the use of the premises, and this would be determined through the planning appeal process.</p> <p>A Member questioned the existence of the buildings preceding 10 years, and the Officer explained that the developer demonstrated that the buildings had been on</p>	

	<p>site for a period exceeding 4 years, as required by the Lawful Development Certificate. The 10 year period referred to by the Member was in relation to all other development.</p> <p>RESOLVED, subject to the foregoing, that the report be accepted and the information contained therein be noted.</p>	
<p><b>No. 5</b></p>	<p><b><u>PLANNING APPEAL UPDATE: LAND OFF CAMBRIDGE GARDENS, BEAUFORT – C/2018/0224</u></b></p> <p>The report of the Team Leader Development Management was submitted for consideration.</p> <p>The Service Manager Development &amp; Estates presented the report which provided the decision of the Planning Inspectorate in respect of a planning appeal against the refusal of planning permission for the construction of 15 dwellings.</p> <p>He reported that the Planning Inspector agreed with the Council’s assessment, and whilst acknowledging the site benefits from planning permission for 10 dwellings, increasing the number of houses would have a significant impact on the safety of highway users. The Inspector concluded that there were no material planning considerations that outweighed the significant highway safety risks associated with the proposed access and that the proposals were contrary to policy DM1 (3 a &amp; c) of the Blaenau Gwent LDP. The Inspector therefore dismissed the appeal.</p> <p>A Member asked whether a record was kept of the number of times the Planning Inspector agreed with the Council’s assessment, and the Officer undertook to provide these figures.</p> <p>RESOLVED that the report be accepted and the information relating to the appeal decision for planning application C/2018/0224 be noted i.e. the Planning Inspectorate had determined that the appeal be dismissed.</p>	
<p><b>No. 6</b></p>	<p><b><u>LIST OF APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 28<sup>TH</sup> NOVEMBER, 2019 AND 20<sup>TH</sup> JANUARY, 2020</u></b></p>	

	<p>The Committee considered the report of the Senior Business Support Officer.</p> <p>The Service Manager Development &amp; Estates went through the report, and Officers clarified points raised by Members.</p> <p>RESOLVED that the report be accepted and the list of applications decided under delegated powers between 28<sup>th</sup> November, 2019 and 20<sup>th</sup> January, 2020 be noted.</p>	
<p><b>No. 7</b></p>	<p><b><u>PLANNING REPORT</u></b></p> <p>Consideration was given to the report of the Team Manager Development Management.</p> <p>The Service Manager Development &amp; Estates explained the following planning applications to Members with the aid of slides.</p> <p><b><u>Application No. C/2019/0310 – 1 Hawthorn Glade, Tanglewood, Blaina, NP13 3JT – Retention and Extension of Raised Decking Area</u></b></p> <p>The Service Manager Development &amp; Estates presented the application which sought permission to retain and extend a raised decking area within the rear garden. He confirmed that one letter of objection had been received listing a number of issues, which were listed at section 3.9 of the report. However, the main issue concern was that the visual impact of the decking was overbearing, and would have an adverse impact on the privacy and amenity of neighbouring properties.</p> <p>At the invitation of the Chair, Councillor G. Collier (Ward Member) addressed the Committee. He said the Tanglewood development was set on a steep sloping hillside in the community of Blaina. No. 1 Hawthorne Glade was a four bedroomed house situated on a corner plot adjoining Tanglewood Drive, and was occupied by the applicant, his wife and 2 young children.</p> <p>The proposed development was for the retention and extension of raised decking over a very odd shaped rear</p>	

garden. The existing garden had approximately a 50% flat area with the rest sloping steeply (approx. 45 degrees) down to the existing fence-line which sat within the boundary plot (see fig 1.4). The development, if approved, would provide a flat area over the whole of the existing garden area, thus allowing full use of the whole garden area to be enjoyed by the family.

Councillor Collier referred to the Officer recommendation for refusal which stated that:

***‘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.’***

He said he believed this concern could be addressed by planting of Leyland spruce trees, or similar, which would give a completely different appearance to what currently existed.

***‘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.’***

He said he did not believe this to be a justifiable reason to refuse the application. The very nature of the landscape at this development (the steeply sloping mountainside) meant the properties of Woodland Walk overlooked Beech Tree Crescent, and Hawthorn Glade overlooked Woodland Walk.

He concluded that he believed from day one that the proposal had been seen as “we can’t have this type of development in Blaenau Gwent”, instead of seeing it as an opportunity to provide what the applicant was aiming to achieve, namely having a flat garden area at the rear of his home.

He asked the Committee to approve the application with the proviso that landscaping take place on the owners’ land bordering Tanglewood Drive.

Mr. Terry Morgan the agent acting on behalf of the

applicant also addressed the Committee. He said the LDP document referred to future housing needs, and that new developments should contain a mixture of housing styles and satisfy the needs of modern day family life, and he said this application sought to do just that. He then referred to Note 7 of the SPG Householder Design Guidance, which stated that decking should not impact on neighbouring properties. However, Mr. Morgan pointed out that the adjacent dwelling had no habitable room windows overlooking the decking, and therefore the decking would not have a detrimental impact to the privacy of the neighbouring property, and that throughout the Tanglewood development many of the houses had habitable rooms overlooking side elevations, due to the sloping nature on the mountainside.

Mr. Morgan said the decking would cover a steep area of garden which was previously unmanageable and difficult to maintain, and enable the family to utilise the whole garden area. He said the best quality materials had been used, and landscaped screening could be provided in order to soften the visual impact on the highway if required. For these reasons he asked that the Planning Committee favourably consider the application.

In response to the point raised regarding the provision of landscaped screening, the Service Manager Development & Estates advised that in his opinion the provision of landscaped screening would not outweigh the scale and visual impact on the locality.

A Member, who was also a Ward Member, said she disagreed that the development was out of character for the area, as there were many different styles of houses in the area, and also 3 storey townhouses. She said a site visit would be beneficial to fully assess the impact, however, it was her opinion that the development was acceptable, subject to the provision of landscaped screening along with the fenceline on land within the applicant's ownership.

Another Member said from looking at the photographs there seemed to be a fair distance between the edge of the decking and the neighbouring garden.

In response the Officer said the development was not yet completed, and it was intended that the decking would run along the boundary line of the neighbouring property.

The Member said it was also his view that the application would be acceptable should landscaped screening be provided.

Another Member also agreed that a site meeting be convened in order to view the impact of the development.

A discussion ensued regarding the structural stability of the decking, when the Officer explained that no structural advice had been sought as it would have meant additional expense for the applicant, the development was considered unacceptable and recommended for refusal.

A discussion ensued, and upon a vote being undertaken it was

RESOLVED that the application be **DEFERRED** pending a fact finding site meeting to assess the scale and impact of the development on neighbouring properties.

**Application No. C/2019/0330 – Unit 2, Tafarnaubach Industrial Estate, Tafarnaubach – The Change of Use of Existing Building 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**

The Team Leader Development Management presented the application which sought permission for a change of use of existing buildings from an Education and Training Centre to B2 Industrial Use. The Officer went through the application and highlighted points contained therein.

At the invitation of the Chair, Deborah Biggs (Public Speaker) addressed the Committee. Ms. Biggs said she represented the residents of Siloam Close who objected to the application on the grounds that the unit was in an elevated position overlooking residential properties, and directly backing onto her garden, and meant that people entering and exiting the building would be able to look directly through the windows of her property. The previous



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use of the unit as an Education & Training Centre had not caused any issues due to the nature of the business and opening times.

She also expressed concern regarding the proposed location of the weighbridge very close to her garden, and the noise that would be generated from the proposed plastic granulator. She had previously worked in a similar factory, and in her experience, the activities were very loud. Residents were also concerned that the recycling facility would have a detrimental impact on the value of their properties.

Ms. Biggs also reported that she had visited the applicant's other site in Rhymney and it was very untidy and dirty outside. She said when building their property, it had to be positioned so that no habitable windows overlooked other properties, however, this premises directly overlooked her garden/windows. Whilst she understood the need for recycling facilities in the Borough, this unit was too close to residential properties, and there were plenty of other more suitable vacant units in the area. She requested a site meeting for the Committee to fully assess the impact of the development on the properties at Siloam Close.

In response the Team Leader Development Management said all the issues raised had been responded to within the report. In relation to the issue of overlooking, the Officer pointed out that the unit had been in operation for many years and the potential for overlooking was always there.

The Officer also reported that she had visited the site in Rhymney and was not of the opinion that it was an 'eyesore', however, this issue of the state of another site was not a material planning consideration for the Committee when determining this application. If the application was approved, there was a condition attached to erect a 2m high fence on the boundary to provide screening and also some noise mitigation, and a condition to also limit the external storage of materials.

In terms of the proposed use as a recycling facility, the Officer confirmed that B2 use and waste management facilities were considered acceptable in primary employment sites. However, whilst she accepted that the

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application would not have an unacceptable impact on the residential properties subject to the imposition of conditions, she recommended that the use of the unit be restricted to that outlined in the application and for no other purposes to ensure there would be no different impact on residents that might not be acceptable.

The Officer also reported that whilst she did not consider it necessary to restrict the operational hours of the site on an industrial estate, she felt it necessary to prohibit granulating of plastic and vehicle movements outside the hours of 8 am to 6pm Monday to Friday, and 8 am to 1 pm on Saturdays. The Environmental Health Officer had not raised any concerns regarding the application, but should any noise issues arise in the future, noise mitigation measures would be put in place. Environmental Health also confirmed there were no concerns in terms of on air quality. The Officer pointed out that the recycling activities would also be permitted by NRW.

A Member said he had been contacted by a number of residents expressing concern regarding the proposals, particularly the location of the weighbridge, and the associated traffic. He also referred to the timing of the consultation undertaken during the busy Christmas period, and asked that determination of the application be deferred and that a site visit be arranged for Members to assess the impact of the development on residential properties.

In response the Officer confirmed that consultation was undertaken on the run-up to the Christmas period. In respect of concerns regarding the amount of vehicle movements associated with the facility, this was not considered to be excessive on an existing Industrial Estate.

A discussion ensued and

Upon a vote being taken it was

RESOLVED that the application be **DEFERRED** pending a fact finding site meeting to assess the impact of the development on nearby residential properties.

**Application No. C/2019/0280 – Wauntysswg Farm, Abertysswg, Rhymney, Tredegar, NP22 5BQ – 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**

Councillor M. Moore declared an interest in this item and left the meeting while the application was being considered.

The Team Manager Development Management presented the application for a variation of Condition 3 of a DNS Planning Permission to extend the life of permission of the development for a further 10 years, i.e. from 30 to 40 years. The Officer was satisfied that the principle of the solar park being temporary and fully reversible had been established by the Welsh Minister and that would remain the case whether the operational life was 30 or 40 years. Caerphilly CBC had also reached a similar view in approving the planning application they received to vary condition 3 on 5<sup>th</sup> December, 2019. She was therefore of the view that the proposed extension was acceptable when the benefits of the prolonged contribution to renewable energy and emissions targets was 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.

At the invitation of the Chair the Public Speaker (David Meehan) addressed the Committee. He gave a background to the work of the company which delivered many projects across the UK and Ireland. He explained that since the DNS application was submitted in July 2018, solar technology had improved significantly with solar parks now able to produce double the energy compared to five years ago. Therefore, with these improvements and maintenance, it was now considered possible for the lifespan of the solar park to increase from 30 to 40 plus years, whilst remaining temporary and fully reversible.

The applicant said global warming was very much on the political agenda and extension of the solar park would provide benefits in terms of contributing to Welsh Government renewable energy and emissions targets. It

would also provide safe, stable and affordable electricity for approximately 8,250 homes and abatement of an additional 160,000 tonnes of CO2. The rural diversification and increased revenue from the energy sector would boost the local economy for an additional 10 years; and result in an increased community fund of up to £150,000. The continued maintenance of the site would result in the further job opportunities, and also provide a net gain in biodiversity through the ecological mitigation put in place and the reduced intensity of agricultural use of the site.

A Member asked why the application had come before the Planning Committee when the Authority refused the original planning application.

The Team Manager Development Management explained that the original DNS application approved by the Minister was for a 30 year period. However, the decision to extend this period comes back to the LPA.

Another Member said the application should be referred to the Minister for determination.

The Service Manager Development & Estates said the Planning Committee were obliged to determine the application, or an appeal for non-determination could be lodged. It was a question of whether the Planning Committee was of the opinion that an extension of the solar park for 10 years would have material impact on the landscape to warrant refusal of the application.

A discussion ensued when Officers clarified points raised by Members.

Members stated that the Planning Committee refused the original application, and said an extension of the development for a further 10 years was unacceptable.

Upon a vote being taken it was

RESOLVED that planning permission be **REFUSED**. Authority was delegated to officers to issue a reason for refusal based on the concerns expressed by Members at the meeting.

Councillor G. Thomas left the meeting at this juncture.

**Application No. C/2019/0269 – 10 Castle Street, Tredegar, NP22 3DE – Change of Use from Former butchers to Bar and Restaurant with Internal Adaptions and 3 No. External Lights**

Councillors T. Smith and B. Willis declared an interest in this item on the grounds of pre-determination, as they objected to the proposal.

The Service Manager Development & Estates presented the application which sought permission for the change of use of 10 Castle Street, Tredegar to a restaurant/bar with external lighting. The property was located within the Tredegar District Town Centre but outside the Primary Retail Area. The proposed use of the premises falls to be considered against Policy DM5 of the LDP and further advice contained in the Council's Hot Food and Drink Uses Supplementary Planning Guidance, which stated that in order to minimise the impact and viability of Town Centres, A3 uses should be directed outside the primary retail areas, and the number of A3 uses should be no greater than 25% of the total number of retail units outside the Primary Retail Area. Therefore, approval of the application would be contrary to the SPG threshold, as it would increase the percentage of A3 premises within Primary Retail Area to 25.5% which was 0.5% above the 25% threshold indicated in the adopted SPG.

The Officer reported that this view had been reached on the basis of the results of a Town Centre survey undertaken in September 2019 by the Development Plans Team. Following detailed examination, the survey highlighted however that one of the A3 units included within the 'current' number of A3 uses was one that was currently under investigation by the Department as being potentially an unauthorised use.

As a result, the issue for Members to consider when determining the application was the extent to which the current proposal would exceed the SPG threshold, which was marginal (0.5%), however, if the unauthorised unit was excluded from the survey results, the current proposal would fall within the threshold limit advised in the SPG and

the policy objection based on Guidance 1 of the SPG would fall away.

At the invitation of the Chair, Councillors T. Smith and B. Willis expressed their objections to the application. They reported that some time ago Tredegar Heritage Initiative funded a project to restore this premises, which was classed as a retail outlet with 2 flats above. They asked if the proposal included disabled access and toilet facilities, and whether there was sound proofing in place to prevent noise emanating from the premises.

They expressed concerned that the applicant, whilst rightly applying for a Licence to serve food and drink, did not wait for the planning application to be considered prior to opening the premises to the public, and in their opinion the applicant had a total disregard for the Planning Committee process. In terms of the criteria outlined in Policy DM5 of the LDP, it stated 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'. The Ward Members felt that granting planning permission would harm the viability of other similar premises in the area that had received substantial investment.

The Ward Members refuted the applicant's statement that they had invested in the premises, as it was the previous owner who had received THI funding to refurbish the building into a retail unit, but unfortunately vacated within 6 weeks to take up another retail unit in the Town. They said this premises should remain a retail unit, and asked that the Planning Committee refuse the application.

The Ward Members also noted the issues raised by Tredegar Town Council and asked whether these had been addressed.

In response the Service Manager Development & Estates confirmed that a building control application had been submitted, however, building control issues were not for the Committee's consideration.

Councillor K. Rowson left the meeting at this juncture.

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At the invitation of the Chair, Ellie Morgan (applicant) addressed the Committee and apologised to Members if they felt she had disregarded the Planning Committee process in any way. She confirmed that she had made a request to the Planning Department to carry on with the proposal and was informed that in doing so it would be at my own risk.

She referred to the report, particularly section 3.2 the external consultation responses and said sound proofing was not asked for, however, disabled access and toilet facilities were in place. A Building Regulations application had been submitted, and fire regulations had been passed. She felt that bringing the building into use would add vitality to the Town Centre, and it was intended to open 4 nights a week until 11.00 p.m. It was also intended for the premises to be more of a restaurant than drinking establishment, and it was currently operating at approximately 80% dry sales and 20% wet sales which was pleasing. Since opening, the applicant confirmed that there had been no issues of anti-social behaviour.

Ms. Morgan concluded that Tredegar was becoming a very attractive place to visit for food and drink, and hopefully the proposal would add to that portfolio. In relation to the Ward Members' comments that the previous owner had received the grant funding for refurbishment, she confirmed that was the case, however, she had also heavily invested in the premises to undertake the necessary changes. She wanted the premises to be a nice place for everyone in Tredegar and wider area to enjoy, and also reported that residents from the flats above were coming down to socialise.

In response to comments regarding the THI funding, the Service Manager Development & Estates pointed out that if the development was in contravention of the terms of the funding, this was a matter for THI to consider. He also said issues of sound proofing and investment made into the premises were all non-material planning considerations.

The Officer also referred to the fact that this was a retrospective planning application, and stressed to Members that retrospective applications should be considered in the same way as a "normal" planning

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application, and did not mean that the applicant had disregard for the planning process. He pointed out that Members had agreed a site visit to consider a retrospective planning application previously on the agenda. He concluded that the issues were finely balanced, but the application should be determined on material planning grounds only.

A Member said he supported the proposal, and stated that if the premises in The Circle was unauthorised the proposal would fall within Guideline 1 of the SPG. However, if the premises were deemed as authorised, the Guideline would only be exceeded by 0.5%.

Another Member said the proposal was in contravention of the LDP and for this reason should be refused.

A discussion ensued when a Member said there had been no issues of anti-social behaviour linked to the premises since its opening.

Another Member proposed that the application be refused on the grounds that it was in contravention of Guideline 1 of the SPG, and the excessive number of licence premises already in the area.

A vote was thereupon taken:

4 Members supported the proposal to refuse the application; and

6 Members supported approval of the application.

Councillor L. Winnett abstained from the voting process.

It was therefore

RESOLVED that the application be **GRANTED** subject to the conditions outlined in the report.

**Application No. C/2019/0346 – Site of Former Sheltered Housing at Glanffrwd Court and Adjacent Land at Cae Melyn and Rhiw Wen, Ebbw Vale – Affordable Housing Development of 23 Dwellings**



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**Including New Access Road, Landscaping and Associated Engineering and Drainage Works**

Councillor M. Moore declared an interest in the application and left the meeting while the item was being considered.

The Team Leader Development Management presented the application which sought permission for the construction of 23 residential units, all of which would be social housing. The proposed development would be accessed via the existing Rhiw Wen Road with two new arms, and associated footways.

The Officer went through the application and highlighted points contained therein. She confirmed that 14 e.mails/letters of objection had been received from residents, and these mainly related to the loss of trees and green open space, which was currently used by children in the area to play.

The Officer confirmed that the proposal would result in the removal of 29 trees of low/moderate value and 1 high value tree. None of these trees are subject to a Tree Preservation Order and could be removed by the landowner at any time. A landscaping scheme had been submitted proposing the planting of 53 replacement trees throughout the site, and in addition a native planted buffer was proposed on the western boundary would also include tree planting.

In relation to the concerns raised regarding the loss of green space, the Officer confirmed that 33% of the overall green space within the site would be lost, however, this was not considered excessive, and the green spaces which are proposed to be developed are not protected or identified within the LDP for amenity or leisure use. However, in relation to the proposed landscaping for the remaining green space at Rhiw Wen, it was proposed to have a footpath crossing this parcel of land with ornamental planting, which would result in a further loss of space for children to play. The Officer agreed that this area could be landscaped differently to ensure some simple grassed space remained for children to play as they always have.

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At the invitation of the Chair, Mr. John Preston, an objector to the application, addressed the Committee. He was a resident of Rhiw Wen which he said was a very pleasant place to live. Whilst he was happy with the development of Glanffrwd Court, residents were concerned regarding the proposed new development of Rhiw Wen, particularly the removal of 30 trees. They understood it was necessary to remove some 21 trees to build 21 properties, the proposal removal of a further 9 trees to accommodate just 2 properties was excessive, and would have a detrimental impact on the amenity of residents and also impact on wildlife.

He understood that additional housing was needed in the area, however, there were currently 2 large scale residential developments being undertaken in close proximity to the site. He expressed concern regarding the loss of green space to the front of Rhiw Wen which was currently enjoyed by children in the area, and pointed out that traffic would also greatly increase, particularly with the proposed construction of a new road through the green space at Rhiw Wen, which would put children at risk who currently play on this area.

Mr. Preston concluded that flooding was also an issue in the area, and stated that the existing trees soaked up surface water from underground culverts. He asked whether any plans had been submitted to ensure that no future flooding occurred.

At the invitation of the Chair, Mr. Jonathan Pritchard (Agent) addressed the Planning Committee. He introduced himself to the Committee and explained that he was a planning consultant for Stride Treglown, the agents and architects for the project, and acting on behalf of Tai Calon Community Housing.

He said the proposals before the Committee represented the first new housing development by Tai Calon. This was significant in that it represented the start of an anticipated programme of further development works to replace outdated assets, and make a valuable contribution to providing high quality, affordable homes that meet the needs of current and future generations, in sustainable communities across the County Borough.

The proposals for the site sought permission for 23 residential properties with a mix of dwelling types as identified by the Council's housing department as being required to meet local need including wheelchair accessible bungalows, ground floor flats and a range of family housing.

A community's need for affordable housing was a material consideration, and in the latest annual monitoring report the Council were on course to miss its affordable housing target. Readily deliverable windfall housing sites, such as this, was therefore essential to address the chronic undersupply of housing land necessary to meet identified local need.

In terms of the key planning matters, he said the layout of the proposed development had been designed to mitigate tree loss as much as possible. A Tree Protection, Retention and Removal Plan clearly sets out the proposed details. Where tree removal was necessary, replacements are proposed and as per recommended Condition 16, an advanced stock of tree would be planted. A significant net gain in tree planting was proposed overall with 53 new trees to be provided.

The layout and orientation of the proposed homes met recognised standards in terms of separation distances, window positions and the scale of development, ensuring that amenity concerns are addressed. The properties have been designed using a distinctive and complimentary palette of materials that would provide a quality modern addition to the streetscene. The proposed new roads had also been designed to adoptable standards, suitable car parking space has been provided, in accordance with the Council's guidance, and new pedestrian crossing facilities would be provided, which would benefit the whole community.

The drainage strategy for the site would follow best practice requirements, while the culvert noted in the Officer's report had been confirmed as being located underneath the existing carriageway and does not pass through the site.

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In relation to the green space, the plans would affect just a third of the open space in the immediate area and, as required by recommended Condition 15, the landscape details would be reviewed to make the identified green space area more useable in response to residents' comments.

The nature of 100 percent affordable housing developments was such that they relied on grants and a long term approach taken by housing associations in order to proceed. He said Members would no doubt feel disappointed that requested planning obligations cannot be provided, if developments from social landlords are not progressed, housing targets for those most in need would not be met and a balance is required on this important matter.

He regretted that some local residents had not been able to support the plans and appreciated that, for some, the proposals would be a notable change from what they have been used to, introducing new neighbours into the community. However, the applicant has sought to address concerns, and as part of the pre-application consultation process, the number of objections has reduced. He said it should also be considered that while 14 objections have been raised, there were 23 groups of people, be they families / couples or individuals, who would benefit from this scheme.

He concluded that the Planning Officer's report sets out all the issues and concluded that the proposals are considered to comply with all relevant development plan policies. Of major importance to the Council's Development Strategy was the delivery of sustainable linked communities, and developments such as this would make an important contribution to this aim, and the objective of meeting the current and future social housing needs of local people.

A number of Members expressed concern regarding the access arrangements, and also the loss of green space amenity.

Another Member commented that the proposed development was a vast improvement to the previous

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Glanffrwd Court development, and also pointed out that none of the trees were subject to Tree Preservation Orders.

In relation to the concerns regarding access to the site, the Team Leader Built Infrastructure confirmed that the scheme complied with the Authority's highway design criteria, and there was no requirement for a second access. He also confirmed that any construction traffic, delivery of materials etc would be controlled through the requirement of a construction management plan.

A Member referred to the type of housing proposed and said bungalows were needed in the Borough. She also asked whether it was possible to replant the existing trees elsewhere on the development.

In response the Team Leader Development Management said the possibility of replanting would be looked at within the revised tree planting scheme, however, it would be difficult during construction, and they may not survive being out of the ground.

The Officer also pointed out that there was no formal existing play area at the site, however, following discussion with the applicant the landscaping scheme would be redesigned to provide a grassed area which would allow for an area of open space for children to play.

In response to a question raised regarding the provision of electric charging points, the Officer confirmed that parking spaces were proposed for the flats, but there were no charging points proposed.

Upon a vote being taken it was

RESOLVED that planning permission be **APPROVED** subject to the conditions outlined in the report.

Councillors W. Hodgins, D. Hancock, and D. Wilkshire left the meeting at this juncture.

**Application No. C/2019/0273 – The Bridge Hotel and Flat, Station Approach, Pontygof, Ebbw Vale – Change**

**of Use to Nursery, Bin Storage, Escape Stair, Landscaping and Associated Parking**

The Team Manager Development Management presented the application which sought permission for the change of use of a former public house/restaurant to a nursery that would provide spaces for up to 100 children between the ages of 12 weeks and 12 years. It was proposed that the nursery would employ 17 full-time staff and 8 part-time staff and operate from 8.00 a.m. to 6.00pm

The proposed conversion of the building 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.

The Officer referred to the external consultation undertaken with NRW which highlighted that the site falls largely within Flood Zone C2, as defined by the Development Advice Maps associated with TAN 15, which raised significant concerns and objections to the development from a planning policy perspective, in particular national planning policy and advice and policies SP7 and DM1 of the adopted LDP.

The proposed nursery facility represented an educational facility, which TAN 15 para 5.1 identified to be a highly vulnerable use, and therefore clearly conflicted with national and local planning policy and TAN 15 advice. It was therefore recommended that planning permission be refused for flood risk reasons.

At the invitation of the Chair, Mr. Ryan Shepherd (the Applicant) addressed the Committee. He said his family had owned The Bridge Hotel since 1988, and had been looking at different options for the building since the closure of the public house. The proposed development had gained significant support from the Families First service and local Councillors. He said the building had been there for many years, and the proposed development required very little changes.

He expressed concern that the application had been recommended for refusal on the grounds of flood risk, as

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the river had never flooded. He was also confused that the Council had granted permission for an educational facility in the former Stewards House and Pontygof School. He said this conflicted with the recommendation and felt that the fact that the building would not, and had never flooded, as significant.

He urged Members to favourably consider the application which would provide an excellent nursery facility and employment, rather than the building be left empty and unused.

The Team Manager Development Management explained that a change of use application had to be considered under planning policy guidance, and TAN 15 defined how to treat existing or new buildings in the context of flood risk, and granting permission would be contrary to the guidance set out in national and local flood risk policies.

In relation to NRW's response relating to a Flood Consequence Assessment, the Officer confirmed that a FCA had not been submitted with the application, however, the agent had submitted a copy of a report (River Ebbw Integrated Catchment Model) which outlined a survey undertaken on the River Ebbw. The agent contended that this report was significant in its effect on the site.

The Officer did not accept this view, particularly as NRW made no reference to the report in their planning consultation response. Their response clearly advised that the development proposal had been considered in light of their DAM and that the development falls largely within a defined Flood Zone C2.

The Officer referred to the Applicant's comments regarding the former Stewards House and Pontygof School, and said this was addressed within section 5.1.17 of the report. However, the Officer pointed out that since planning permission was granted for Canolfan-y-Afon, the approach to flood risk had changed significantly and potential flooding was now the subject to far greater scrutiny at both national and local planning policy levels. She concluded that there was no justifiable reason to recommend a similar approach be taken to the current proposals, particularly as

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the proposed use would involve a comparatively intensive use of the entire building by potentially 100 children between the ages of 12 weeks to 12 years.

In response to a question raised by a Member regarding evidence of whether the site had flood previously, the Officer said this was not a consideration for the Planning Committee. Planning Authority Members are responsible for taking a strategic view on the issue and taking advice from NRW, and the fact there was no historical flooding in the area was not justification to go against the flood risk advice and guidance.

A Member said the Authority has a safeguarding duty and due to the proposal for a nursery facility, the Authority had no option other than to accept the advice provided by NRW and accept the Officer's recommendation for refusal.

Another Member asked whether the application could be deferred in order to seek a review of the flood plans.

In response the Service Manager Development & Estates said this was not for the Local Planning Authority to instigate, it was for the Applicant to consider obtaining an FCA for submission to NRW to challenge the DAM maps.

The Team Manager Development Management said her recommendation was based on the advice and guidance contained within strategic national and local policies, which stated that LPA's should not allow new development that may cause flood risk, and it was the responsibility of the LPA to make a policy decision on the proposal.

The Service Manager Development & Estates said he would be unable to put his name to a decision to grant permission until the process of an FCA and amended DAM maps had been undertaken through the NRW.

Following a brief discussion, a vote was undertaken and it was

RESOLVED that planning permission be **REFUSED**, for the reason outlined in the report.



**Application No. C/2019/0308 – 30 Marine Street, Cwm, Ebbw Vale – 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 Car Parking Space**

Councillor D. Bevan declared an interest in this application on the grounds of pre-determination.

The Service Manager Development & Estates presented the application which sought permission to change the use of the property from a 3 bedroom dwelling to a 5 bedroom house in multiple occupation (HMO). The use of the property as a HMO was a conforming use in this residential area, which could be accommodated without having an unacceptable impact on the amenity of local residents.

Councillor Bevan said the main objection was the number of HMO's in the area, and the increase in anti-social behaviour as a result, and the inadequate parking provision.

Councillor D. Bevan left the meeting while the application was being considered.

A number of Members agreed with the objections, and expressed concern that the number of HMO's in the Borough was increasing. One Member commented that this type of development could spread like cancer through a community. In relation to this application, they felt that the provision of off-street parking was insufficient for a 5 bedroom property.

In response the Team Leader Built Infrastructure explained that a development of this nature generally required the provision of one parking space per bedroom, up to a maximum of 3 spaces, plus one visitor space. However, the applied sustainability criteria outlined in the SPG allowed a reduction in the number of parking spaces required based on the credentials of development, i.e. proximity to and frequency of local transport, walking distance to local shops, schools and other community facilities. When this criteria was applied, the provision of one parking space was deemed to be sufficient. There was also public car parking within 80m of the property.

	<p>A Member expressed concern regarding the lack of public transport links within Cwm, and the Officer confirmed that this was taken into account when applying the criteria, but one parking space was still deemed sufficient.</p> <p>Upon a vote being taken it was</p> <p>RESOLVED that planning permission be <b><u>REFUSED</u></b> on the grounds of inadequate parking provision and over-capacity of the dwelling. Officers were given delegated authority to issue a decision on such basis.</p>	
<b>No. 8</b>	<p><b><u>ANY AREAS FOR MEMBER TRAINING/BRIEFINGS</u></b></p> <p>No areas for Members Training/Briefings were raised.</p>	
<b>No. 9</b>	<p><b><u>EXEMPT ITEM</u></b></p> <p>To receive and consider the following report which in the opinion of the proper officer was an exempt item taking into account consideration of the public interest test and that the press and public should be excluded from the meeting (the reason for the decision for the exemption was available on a schedule maintained by the proper officer).</p>	
<b>No. 12</b>	<p><b><u>ENFORCEMENT CLOSED CASES BETWEEN 29<sup>TH</sup> NOVEMBER, 2019 AND 21<sup>ST</sup> JANUARY, 2020</u></b></p> <p>Having regard to the views expressed by the Proper Officer regarding the public interest test, that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and that the report should be exempt.</p> <p>RESOLVED that the public be excluded whilst this item of business is transacted as it is likely there would be a disclosure of exempt information as defined in Paragraph 14, Schedule 12A of the Local Government Act 1972 (as amended).</p> <p>Consideration was given to report of the Service Manager Development.</p>	

	<p>RESOLVED that the report which related to the financial or business affairs of any particular person (including the Authority) be accepted and the recommendations contained therein be accepted.</p>	
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