

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	3rd November 2020
Directorate	Regeneration & Community Services
Date of meeting	12th November 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/2020/0148	The Bridge, Station Approach, Pontygof, Ebbw Vale
C/2020/0156	Former Brynmawr Clinic, Lower Bailey Street, Brynmawr
3. Recommendation/s for Consideration	
Please refer to individual reports	

Planning Report

App No: C/2020/0148	App Type: Full
Applicant: Mr Ryan Shepherd Brynderwen Queens Square Ebbw Vale	Agent: As applicant
Site Address: The Bridge, Station Approach, Ebbw Vale	
Development: Change of use to nursery, bin storage, escape stair, landscaping and associated car park	
Case Officer:	Lesley Taylor

Follow Up Report

1.0	Background
1.1	This planning application was presented to Planning Committee on 1 st October 2020. The officer recommendation was for the refusal of planning permission given that the proposal relates to highly vulnerable development at a site that is largely situated in within Flood Zone C2 as defined by Development Advice Maps (DAM) associated with Technical Advice Note 15: Development and Flood Risk (2004) (TAN 15).
1.2	The report noted that in all other respects the proposed development was considered acceptable and that any outstanding matters could be addressed by conditions.
1.3	Members discussed the site and proposed development in detail, and it was noted that some Members had visited the site and the surrounding area in a period of heavy rain fall to consider the impact these conditions had on the development site.
1.4	The applicant addressed the Committee stating that in his view and the professional opinion of the consultants he had commissioned to under a Flood Risk Assessment based on the fluvial model of the River Ebbw that informs NRW DAM maps and in considering the presence of a stone wall (not included in the fluvial model), the development site met the sequential tests outlined in TAN 15.

1.5	The Service Manager – Development and Estates advised the Committee that those tests should not be applied to highly vulnerable development proposed in Flood Zone C2.
1.6	Further discussions concluded that Members did not consider that the 1 in 100 year probability and 1 in 1000 year probability of flooding at the site should prejudice the granting of planning permission.
1.7	Members therefore resolved to grant planning permission subject to appropriate conditions. Authority was delegated to officers to compile a list of relevant planning conditions, and present those conditions to this Committee for consideration.
2.0	Recommendation
2.1	<p>That planning permission be <u>GRANTED</u> subject to the following and conditions and reasons:</p> <ol style="list-style-type: none">1. The development hereby approved shall be completed in full accordance with the following approved documents<ul style="list-style-type: none">• Drg no. 1910.SLP - Site location plan (scale 1:500) received 17th June 2020;• Drg no. 1910.PL01 – Proposed floor plans received 17th June 2020;• Drg no. 1910.PL02B – Proposed Site Plan received 25th June 2020;• Drg no. 1910.PL03 – Proposed elevations received 17th June 2020<p>Unless otherwise specified by conditions 2 - 3 listed below.</p><p>Reason: To clearly define the scope of this permission.</p>2. The development hereby approved shall not be brought into use until a detailed Flood Evacuation Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall include precise details of:<ol style="list-style-type: none">(a) the actions to be taken in the case of a flood;(b) the evacuation/escape route;

- (c) the content and location of all flood warning signs to be erected at the site and within the buildings to ensure people are aware of the risk of flooding and the evacuation procedure; and
- (d) the measures to be taken to ensure that all staff and visitors are made aware of the evacuation plan to be implemented in the event of any flood.

Reason: To ensure there are adequate flood protection measures in place and the consequences of flooding are adequately managed in accordance with the requirements of TAN15.

3. The development hereby approved shall not be brought into use until details of cycle parking as indicated on drg no. 1910.PL02B have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the parking needs of the development are adequately met.

4. Notwithstanding the requirements of condition 3 of this permission, the development hereby approved shall not be brought into use until the proposed motor vehicle and cycle parking spaces have been laid out in full accordance with the details shown on the approved plans. Such facilities shall be retained and kept available for this purpose at all times.

Reason: To ensure the parking needs of the development are adequately met at all times.

5. The development hereby approved shall not be open for the purpose of childcare outside the following times: 08.00 hrs – 18.00hrs Mondays to Fridays inclusive.

Reason: In the interests of amenity.

6. Statutory time limit (full planning permission).

Planning Report

Application No: C/2020/0156	App Type: FULL
Applicant: Mr Paul Stephens United Welsh Housing Association C/O Asbri Planning Ltd	Agent: Llinos Hallett Asbri Planning Ltd. Unit 9 Oak Tree Court Cardiff Gate Business Park Cardiff
Site Address: Former Brynmawr Clinic, Lower Bailey Street, Brynmawr	
Development: Construction of supported living accommodation comprising 5 no. 1 bed flats, communal areas, staff accommodation and associated works	
Case Officer:	Lesley Taylor



1. Background, Development and Site Context

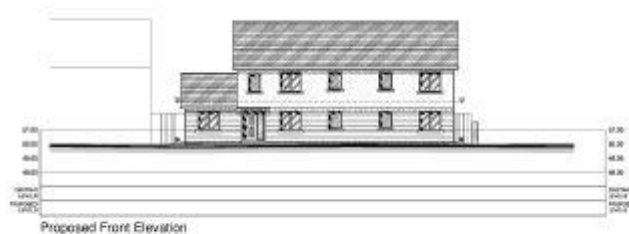
1.1	The development site is a vacant parcel of land located in a residential area. To the north of the site is a terrace of three dwellings that front Lower Bailey Street and to the west, are the rear elevations of terraced dwellings that front
-----	--

onto Bailey Street. Immediately to the south is a block of three garages, and further south and to the east, the site is bounded by the rear gardens of dwellings located on Worcester Street and a small vacant parcel of land. The site is within a short walk of Brynmawr Town Centre and other local facilities, and within walking distance of public transport links to the wider area.

1.2 The site formerly housed a health clinic that was demolished in June 2020, following an application to the Authority for prior notification of demolition (C/2019/0343 refers).

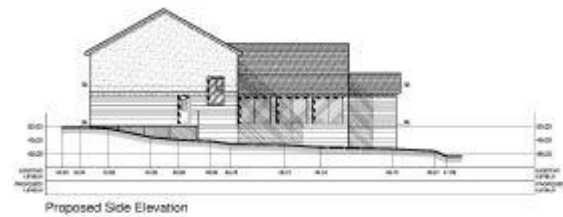
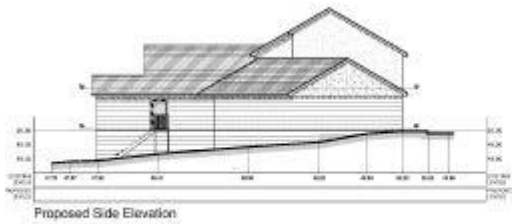
1.3 The site has also been the subject of a preliminary enquiry for the construction of a new building containing 5 flats, staff accommodation for use as supported living. At the time the enquiry was received and advice was issued, the clinic was still in situ. The written response indicated the proposal was broadly acceptable, subject to consideration of parking provision to accord with the Council's adopted SPG.

1.4 The development currently before Members is for the construction of a building that is largely two storey with single storey annexes to the side and rear. levels. The building will front Lower Bailey Street and the principle elevation will be of a height and design in keeping with neighbouring residential properties.



1.5 The following extracts from the plans show proposed side and rear elevations:





1.6

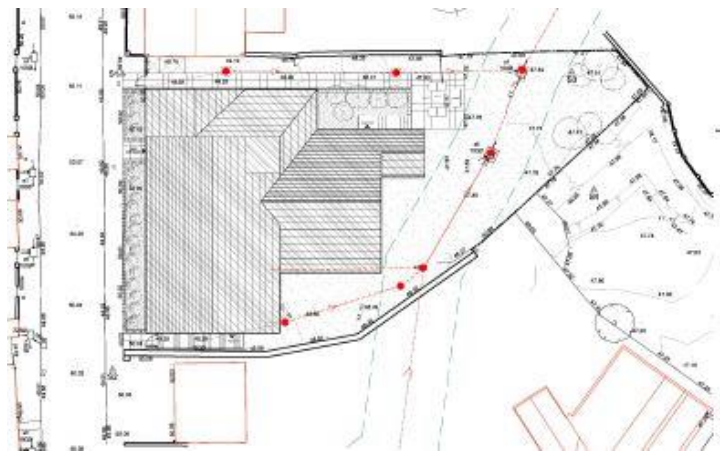
It is proposed to construct the building in a mix of facing brick and render with a reconstituted slate roof. Windows will be manufactured in white upvc and doors in colour coated aluminium (white). Reconstituted stone will be used for all cills.

1.7

The building will provide 5 no. 1 bedroom flats together with staff accommodation, communal lounge and kitchen and storage. Three flats, communal areas and staff office will be located on the ground floor, and two flats, the staff bedroom and storage rooms will be located on the first floor.

1.8

There will be a small forecourt and access on both sides to an enclosed garden at the rear of the building.



1.9

The boundary walls on either side of the site will be retained, as will the palisade fence to the rear, and rear side boundaries. To provide privacy for both future occupants and neighbours, 2.1m high close boarded timber fencing will be erected inside the existing palisade fencing. Landscaping will be provided to front and rear of the building.

1.10

The purpose of the development is to provide self-contained living accommodation for 5 persons with learning difficulties who require care and support in meeting their day to day living needs. The age range of residents has not been specified. However the applicant has confirmed there is an unprecedented demand for single persons supported living accommodation.

	It is proposed that there will be two members of staff on site between the hours of 8.00am and 6.00pm daily and 1 member of staff on a night shift (sleeping in) between the hours of 6.00pm and 8.00am daily. It is anticipated there will be 3 staff on site for a short period during shift changeover.
--	--

2. Site History

	Ref No	Details	Decision
2.1	C/2020/0343	Application for prior notification of proposed demolition of health clinic	Prior approval not required 20/12/19
2.2	PA/2020/0058	Preliminary enquiry – redevelopment of the former Brynmawr Clinic to provide 5 no. 1 bedroom flats and associated works	Planning permission required 29/04/20

3. Consultation and Other Relevant Information

3.1	<p><u>Internal BG Responses</u> <u>Team Leader Building Control:</u> Building Regulations consent required.</p>
3.2	<p><u>Service Manager Infrastructure:</u> <u>Highways:</u> Has no objections to the proposed development but note the following: To accord with the Council’s adopted SPG, the development requires 4 car parking spaces – one for each member of staff and two for visitors. However there is no off-street parking provided, but the Highway Authority is mindful of the use of the former building, and the traffic movements that would have been associated with such a facility.</p>
3.3	<p>As the former building has subsequently been demolished, it no longer offers a fall-back position for the site. In view of this, consideration has been given to whether the parking needs of the proposed development can be accommodated either on-street or by utilising public car parks in the vicinity.</p>
3.4	<p>The Highway Authority is aware that available on-street parking at peak times (evening and overnight) on both Lower Bailey Street and the neighbouring streets is restricted. However outside of these periods i.e. during the day time there is sufficient on-street capacity within the vicinity to accommodate the parking needs of the proposed development. It is unlikely that the visitors to the development site would coincide with peak on-street parking times.</p>

3.5	It is noted that there is a public car park located within approximately 150m of the development site which could also be used by staff should on-street parking not be available. The site is within a sustainable location with good access links to local facilities and public transport is available within 400m
3.6	It is reasonably concluded that only the parking needs of staff will need to be accommodated during the identified peak, on-street parking times, and it is therefore considered that the two car parking spaces that may be required for staff can be safely accommodated within the vicinity of the development site, either on site or within nearby public car parks if necessary.
3.7	Drainage: Has confirmed the development will require SAB approval.
3.8	Ground Stability: No comments or observations in relation to ground stability.
3.9	Landscape: No objections subject to a review of the planting species.
3.10	Ecology: No objections.
3.11	<u>Service Manager Public Protection:</u> No objections.
3.12	<u>External Consultation Responses</u> <u>Town / Community Council:</u> Notes it was unable to comment on the development proposal due to outstanding issues such as parking.
3.13	<u>Welsh Water:</u> Confirms there is capacity within the public sewerage network in order to receive the domestic foul only flows from the proposed development site and indicates SAB approval may be needed to deal with surface water drainage which it will not permit to drain directly or indirectly to the public sewerage system.
3.14	Additionally, it advises that the site is crossed by public sewers and that no development should be carried out within 3m either side of the centreline of those public sewers.

3.15	<u>Western Power:</u> Issued standard advice in relation to its apparatus.
3.16	<u>W&W Utilities:</u> Issued standard advice in relation to its apparatus.
3.17	<u>Public Consultation:</u> Strikethrough to delete as appropriate <ul style="list-style-type: none">• 31 letters to nearby houses• 3 site notices• press notice• website public register of applications• ward members by letter• all members via weekly list of applications received• other
3.18	<u>Response:</u> I received an email from a member of the public as a result of discussions over the plans and the development proposal. The email raised the following issues: <ul style="list-style-type: none">• Providing accommodation for residents with complex care needs may result in local residents experiencing problems similar to those they have experienced from another facility within the locality.• That the development is likely to need more than the 4 parking spaces indicated, given that in addition to staff, 5 residents may have cars and the needs of visitors would also have to be met. Visits by other parties will also need to be accommodated;• That Lower Bailey Street already has ‘<i>huge issues with parking</i>’, as it accommodates the parking needs of 17 houses on Bailey Street who park at the rear of their properties, along with residents of Lower Bailey Street. The street is also used for parking by residents of Worcester St and King Street who have no parking available in their own streets. It is also used for parking by a facility operated by Plasgeller Nursing Home which is located on the end of Lower Bailey Street, where deliveries of supplies occur at least 12 times a day;• Lower Bailey Street is a narrow road and regularly has vehicles parked on pavements. It is used daily by pedestrians, in particular, school children walking to and from the primary and Comprehensive schools in Intermediate Road. Further inadequate parking facilities will escalate an already serious situation;

<p>3.19</p> <p>3.20</p>	<ul style="list-style-type: none"> • The estimated traffic movements associated with the former clinic that were submitted by the agent is disputed, as residents did not experience issues with parking when the clinic was in use; • Concern over the number and frequency of trade and delivery vehicles that may visit the site; • Concern over the noise levels and disturbance generated by staff arriving at and leaving the premises. Residents already experience car doors slamming and conversations between staff at unsocial hours as a result of an existing premises located on Lower Bailey Street; • The ground floor plan shows a communal training kitchen. Will meals be prepared in individual flats and what measures are proposed to deal with cooking smells; • Can adequate screening measures be put in place to safeguard the amenity of nearby residents and mitigate future complaints from residents; • Will visiting be limited to certain times? <p>I responded to the author by email, including further information received from the applicant and agent on the matters raised. I later received an email stating that the additional information did not resolve the concerns that had been outlined.</p> <p>I also received an email from a Ward Member who sought clarification over plan details, and how the site would operate/be staffed, and whether the site would be screened to protect the amenity of local residents. I responded to these queries in writing having sought further information from the agent/applicant, and confirm I have received no further correspondence or observations from this Member regarding the development.</p>
<p>4. Planning Policy</p>	
<p>4.1</p> <p>4.2</p>	<p><u>Team Manager Development Plans:</u> The Blaenau Gwent Local Development Plan (LDP) indicates that the proposed 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 site is not the subject of any designations or constraints according to the LDP Proposals Map and Constraints Map.</p> <p><u>Principle of Development</u> The proposal is for a change of use from a D1 use (former health clinic) to a C2 use (Special Purpose Housing). The site is located within a residential area and within a sustainable location with local amenities and Brynmawr town centre close by. It is also noted that the site is brownfield land, and</p>

4.3	<p>reuse of this site will help achieve sustainable development in the borough.</p> <p>Policy DM11 of the LDP states proposals that would result in the loss of a community and/or leisure facility will not be permitted unless a replacement facility is provided by the developer either on site or in accessible location; or it can be demonstrated that the facility is surplus to requirements. Planning Policy is satisfied that the facility is surplus to requirements due to the fact that the former clinic has been decommissioned and a new replacement facility has been opened nearby. The proposal is therefore in accordance with this policy.</p> <p><u>Parking Provision</u></p>
4.4	<p>The proposed development is classed as a C2 use and as such falls under Special Purpose Housing. The closest housing type noted in the Access, Car parking and Design SPG is “Self-Contained elderly persons dwellings (not wardened)”, which requires there to be 1 space per 2-4 dwellings for residents, and 1 space per 4 units for visitors. The proposal comprises of 5 residential units but there are no spaces set out in the proposed development. The proximity to the town centre would mean the site may meet the sustainability criteria and reduce the need for car parking provision at the site.</p>
4.5	<p>It is noted however there was no parking allocated to the previous use of the site. A view from highways is therefore required due to the fact that it does not meet the requirements set out in the Access, Car Parking and Design SPG.</p>
4.6	<p><u>Conclusion</u></p> <p>There are no planning policy objections in principle to the proposed development without prejudice to the issue of car parking provision.</p>
4.7	<p><u>LDP Policies:</u></p> <ul style="list-style-type: none">SP1 – Northern Area StrategySP4 - Delivering Quality HousingSP5 - Spatial Distribution of HousingSP6 - Ensuring AccessibilitySP9 - Active and Healthy CommunitiesDM1 - New DevelopmentDM2 - Design and Place makingDM11 - Protection of Community and Leisure FacilitiesDM14 - Biodiversity Protection and Enhancement

4.8	<p>SB1 - Settlement Boundaries</p> <p>Supplementary Planning Guidance Access, Car Parking and Design (March 2014)</p> <p><u>PPW & TANs:</u> Planning Policy Wales Edition 10 (December 2018)</p>
5. Planning Assessment	
5.1	<p>The Blaenau Gwent Local Development Plan (LDP) indicates that the proposed site lies within the settlement boundary (Policy SB1) within which development is generally permitted provided it meets the requirements of relevant LDP policies and satisfies other material considerations. The site is not the subject of any designations or constraints according to the LDP Proposals Map and Constraints Map.</p>
5.2	<p>The proposal is to construct a two storey building with some single storey elements to provide 5 self-contained flats with staff accommodation and some shared facilities to house persons that require support with their day to day living needs. Such a use falls into Class C2 of the Use Classes Order and therefore complies with Policy DM1 2a of the adopted LDP.</p>
5.3	<p>As noted in para 1.1 above, the development site is located in a sustainable location close to local amenities including Brynmawr town centre and local transport links. Furthermore the proposed development will utilise previously developed land as advocated in Section 3, para 3.51 of Planning Policy Wales.</p>
5.4	<p>Local Authorities are required to ensure sufficient land is available to provide a 5 year supply to meet the housing needs of the County Borough (PPW ED 10 para 4.2.15 refers). Through the planning process, Local Authorities must encourage a wide range of housing types to meet the identified needs of its communities. In this case the provision of flats where care and support for residents is provided, should be encouraged to allow persons to live with independence and in relative safety as noted in para 4.2.11 of PPW ED 10.</p>
5.5	<p>Policy SP4 of this Council's adopted LDP supports the delivery of quality housing to meet the Authorities need over the Plan Period. This Policy supports a mix of dwelling types, sizes and tenures for the benefit of the current and future populations of the County Borough. Furthermore Policy SP5 of the adopted Local Development Plan supports the spatial distribution</p>

	<p>of housing acknowledging the importance of brownfield opportunities to meet housing needs. The development proposal satisfies the requirements of both policies.</p>
5.6	<p>Siting and Design</p> <p>New developments must enhance and respect their surroundings and be of an appropriate type, form, scale and mix for the proposed location. The developer has had regard for this, and I am satisfied that the proposed building will make a positive contribution to the street scene as required by Policy DM1 2b and Policy DM2 b of the adopted LDP. In terms of ridge height it reflects that of the neighbouring dwellings, and the front elevation and forecourt it will present to the street is also in keeping with the built form. The mix of external finishes as specified in para 1.6 is considered acceptable in principle and the specific products can be secured by condition.</p>
5.7	<p>Amenity</p> <p>I note that ground floor windows in the front elevation of the proposed building will serve two of the flats and the staff wellness room/ office. Those at first floor level will serve the cleaning store and 2 flats. These windows will face the rear elevations of dwellings on Bailey Street, but will be separated by the public highway. The rear windows at Bailey Street serve a mix of rooms and it is inevitable that some overlooking from the proposed development will occur.</p>
5.8	<p>However I am mindful, that in many terraced streets in the locality a similar situation exists due to the built form. Indeed, this relationship currently exists between front and rear elevations of residential properties in this street, where no.'s 3, 4 and 5 Lower Bailey Street face the rear elevations of no.'s 120, 121 and 122 Bailey Street.</p>
5.9	<p>As noted in para 5.6, the height of the proposed building is compatible with neighbouring residential properties. Whilst it will exceed that of the former clinic and marginally reduce the views from rear first floor windows of some dwellings on Bailey Street, given the separation distance, I do not consider the proposed development will have an overbearing impact.</p>
5.10	<p>In such circumstances it would difficult to justify refusing planning permission on amenity grounds.</p>

5.11	<p>The side and rear annexes of the proposed building will be single storey. The north elevations contain no windows and therefore no 5 Lower Bailey Street will not be directly overlooked. However there is a doorway on this side that provides access from the proposed communal lounge to the rear garden from which a view over the neighbouring garden will be possible. The opposite side elevation has a glazed passageway that runs alongside the communal kitchen, but given the separation distance from this point to the rear elevations of dwellings on Worcester Street is approximately 21 metres, I have no concerns in this regard. All rear windows overlook the proposed garden of the development site and therefore will not give rise to amenity issues.</p>
5.12	<p>Site Layout</p> <p>The development makes good use of this brownfield site and its irregular shape. There is adequate amenity space to meet the needs of future residents, and the landscape scheme proposed will enhance the site. The Council's Manager for Green Infrastructure has not objected to the scheme but has noted that consideration should be given to the use of more hardy species.</p>
5.13	<p>Discussion with the agent has confirmed that the landscaping of the site and selection of species has been considered as part of a SAB application whereby a rain garden will be formed to assist in the disposal of surface water drainage. I am satisfied that the proposed landscaping will enhance the site and that a condition can be imposed that requires the replacement of any plants and species that fail in a specified time period.</p>
5.14	<p>The existing walls and palisade fencing along the side and rear boundaries of the development will be retained. The boundary wall shared with no. 5 Lower Bailey Street will be improved with the consent of the landowner. This is also the case with the wall along the south side of the site. To protect the amenity and privacy of future occupants and that of nearby residents, it is proposed that a 2.1m high fence will be erected inside this fencing. As a side and rear side boundary, I consider this is visually acceptable and am mindful that a fence of 2.0m could be erected on site any time in the future without requiring planning permission. The timber fencing will assist in addressing third party concerns over privacy and screening.</p>

5.15	Parking and Highway Considerations
	<p>Members will note from the site layout plan shown in para 1.8, the development proposal does not provide parking and that this is of particular concern to a third party who, in correspondence, has made reference to there being '<i>huge issues with parking</i>' in Lower Bailey Street and other streets in the locality.</p>
5.16	<p>To accord with this Council's adopted Access, Car Parking and Design SPG, a development of this nature should provide 4 car parking spaces – one for each member of staff and two for visitors, as confirmed by the Council's Service Manager – Infrastructure. I am mindful however that by virtue of its use, the former health clinic had the potential to generate significantly more traffic than that which is likely to be generated by the proposed flats.</p>
5.17	<p>In the Planning Statement submitted with the application, the agent has provided a detailed analysis of the parking requirements of the former clinic supposing that the number of parking spaces it would have required varied between 9 and 17 in any working week. Whilst I have nothing at my disposal to confirm or dispute this, I am mindful with the former clinic in situ, the site did not have the capacity to provide off-street parking of the level indicated, and that the email received from a member of the public confirms that residents did not experience parking problems when the clinic was in use.</p>
5.18	<p>By comparison, the Planning Statement concludes that the development proposal is likely to require a maximum of 4 car parking spaces at any time.</p>
5.19	<p>I agree with the Service Manager – Infrastructure that as the clinic has now been demolished the site has no fall back position in terms of use and likely traffic generation. However, I consider a development that will generate a maximum of 2 – 3 staff vehicles at any time, limited visiting opportunities when resident parking may be at a premium, and a tenure that is most unlikely to have a car, can be accommodated without significant impact on on-street parking.</p>
5.20	<p>This view is shared by the Highway Authority who has advised there is sufficient on-street capacity within the vicinity to accommodate the parking needs of the proposed development, and that in his view, it is unlikely that the visitors to the development site would coincide with peak on-street parking conditions experienced during the evenings and overnight.</p>

5.21	<p>On occasions where on-street parking may not be available close to the development site, staff and visitors will have access to the free public parking available 150m away. Furthermore the site has easy access to local facilities and public transport.</p>
5.22	<p>A Travel Plan provided with the application explains how an information pack will be distributed to all employees that will encourage sustainable travel. Whilst I am mindful that a planning permission could include a condition that requires this information pack to be distributed to staff, such measures could not reasonably be monitored or enforced.</p>
5.23	<p>Notwithstanding this, I am satisfied that the level of parking required by the development can be accommodated on street, or within public parking areas and that the lack of parking should not be a reason for refusing to grant planning permission.</p>
5.24	<p>Third Party Concerns</p> <p>Members will note from para 3.18 of the report that one of the concerns raised by a member of the public was that the development may have an adverse impact on local residents given its purpose is to accommodate persons who require living support. Information received from the agent confirms that the flats will be occupied by people with learning difficulties but with 2 staff in place throughout the day and one during the night, this should not give rise to disturbance of local residents. The applicants aim is to aid tenants in learning how to live independently, with much focus on consideration to neighbours and how to live within the community.</p>
5.25	<p>Concern has been raised over the number and frequency of trade and delivery vehicles that may visit the site, noise levels and disturbance generated by staff arriving at and leaving the premises, visiting times and how the communal training kitchen will be used/ventilated.</p>
5.26	<p>In response, the agent has confirmed that trade and delivery vehicles will be restricted to those normally associated with residential properties e.g. delivery of groceries, although the aim of living support is to take residents into the community to use local facilities and encourage them to shop independently. Trade and maintenance vehicles may visit the site if a problem occurs, but this is likely to be no more frequent than any residential property may require.</p>

5.27	<p>It has already been noted that staff changeover will occur twice daily at times when most residents would leave or return home from work, and I consider such activity should not generate any more or less disturbance than may normally occur in a residential area.</p>
5.28	<p>The agent has confirmed the purpose of the communal training kitchen is to develop skills amongst residents and teach independence. Food will not be produced on a commercial scale, and as such domestic grade ventilation or extraction will be installed accordingly. Members will note that the Service Manager Public Protection has been consulted and has raised no objections to the proposed development.</p>
5.29	<p>As with any household, it is reasonable to expect future occupants to have visitors. The agent has indicated that on similar schemes operated by the applicant, visitors are not normally permitted past 8pm, but in any case, scheme managers do not allow tenants to have too many visitors for insurance purposes.</p>
5.30	<p>Notwithstanding the issues discussed above, Members should be mindful that the application proposes residential development in a residential area. Furthermore the Local Planning Authority has no jurisdiction over the tenure of the proposed flats and should be mindful that should noise or disturbance occur in the future, it is a matter for the police to address at that time.</p>
5.31	<p>I am satisfied therefore that residential amenity will not be unduly prejudiced by the proposed development and that the proposal complies with Policy DM1 2 c of the adopted LDP.</p>
5.32	<p>Ground conditions</p> <p>The development site is previously developed land that lies in a Coal Mining low risk area. For this reason it has not been necessary to consult the Coal Authority but the development has been considered by the Council's Geotechnical Engineer who has confirmed he has no concerns relating to ground stability. In this case it is the developer's responsibility to ensure that ground conditions are assessed to inform a suitably designed foundation.</p>
5.33	<p>Drainage</p> <p>Welsh Water has confirmed there is capacity within the public sewerage</p>

5.34	<p>network to accommodate foul waste from the proposed development. It is noted that the site is crossed by public sewers, which traverse the western and eastern ends of the site. There appears to be no built development in the vicinity of these sewers, but the developer will be advised by informative to contact Welsh Water prior to development for advice in this regard.</p> <p>The proposed development requires the provision of a sustainable urban drainage system for the disposal of surface water. The developer will therefore be advised to obtain SAB approval prior to the commencement of development.</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>The proposal is to provide living accommodation in an established residential area that is designed to make good use of brownfield land as directed by national planning policies.</p>
7.2	<p>It has been designed to accord with site circumstances and is of a scale in keeping with the local settlement pattern.</p>
7.3	<p>The proposal has had regard for amenity issues and is designed to minimise overlooking and so as not to have an overbearing impact on nearby residential properties.</p>
7.4	<p>The proposal raises no Planning Policy objections, nor objections from other consultees.</p>
7.5	<p>Whilst the development provides no off-street parking to accord with this</p>

Council's adopted SPG, it is considered that the needs of the development can be adequately met on-street and by public parking in the locality, minimising any impact on the highway network and the amenity of local residents.

7.6

In all other respects it satisfies the requirements of Policies SB1, SP1, SP4, SP5, SP6, SP7, DM1, DM2, and DM11 of the adopted BGCBC Local Development Plan (November 2012) and those of Planning Policy Wales Edition 10 (December 2018). I therefore recommend that planning permission be **GRANTED** subject to the following condition and reasons(s):

1. The development shall be completed in full accordance with the following approved plans and documents
 - Drg no. (90) 001 – Site location plan (scale 1:1250) received 6th July 2020;
 - Drg no. (90) 002 - Proposed site layout plan received 6th July 2020;
 - Drg. no. (90) 003 – Proposed ground floor plan received 6th July 2020;
 - Drg no. (90) 004 – Proposed first floor plan received 6th July 2020;
 - Drg no. (90) 005 – Proposed elevations received 6th July 2020;
 - Drg no. (90) 006 – Proposed elevations received 6th July 2020;
 - Drg no. (90) 007 – Proposed sections received 6th July 2020;
 - Drg no. LA1 – Rain garden planting,

Unless otherwise otherwise specified or required by conditions 2 to 6 listed below.

Reason: To clearly define the scope of this permission.

2. The development hereby approved shall not progress beyond slab level until full details of the proposed facing materials have been submitted to and approved in writing by the LPA. The development shall then be completed in full accordance with the approved details.

Reason: To safeguard visual amenity interests.

3. The boundary enclosures indicated on the approved plans shall be provided before the development to which this permission relates is occupied and shall be retained as such at all times.

Reason: To protect the privacy and amenities of the occupants of the development site and the occupiers of nearby properties.

4. For the avoidance of doubt, this permission relates to foul drainage

only as indicated on drg no. (90) 002 received 6th July 2020. It does not convey consent for surface water drainage.

Reason: To define the scope of this permission

5. Within the first planting season immediately following the completion of the development hereby approved, the proposed landscaping scheme as shown on drg no. LA1 shall be implemented in full. Any trees, shrubs or plants which die, or become damaged or diseased within a period of 5 years from implementation of the planting scheme, shall be replaced by one of the same species and size in the next available planting season.

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

6. No development and construction works shall take place on site outside of the hours of 8.00 hrs to 17.00hrs Monday to Friday.

Reason: To safeguard amenity interests.

7. 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.

Informative Advice

1. Prior to the commencement of development, the developer is advised to contact Welsh Water for advice regarding the position of public sewers on, and within the vicinity of the development site and to secure any agreements that may be required in this regard.
2. The developer is reminded that the development hereby approved also requires SuDS approval before work commences. 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 this 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. Notwithstanding the details indicated on drg no. (90) 002, the developer is reminded of his/her obligations under the Party Wall Act to seek consent to carry out improvement works to walls marked x1 – x3

	on the approved plan. This decision notice relates to planning permission only and does not over-ride the need for third party agreement to carry out such works.
8. Risk Implications	
8.1	None