

<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>23<sup>rd</sup> November 2020</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>3<sup>rd</sup> December 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/2013/0170	Former Rhyd y Blew Reservoir Site, Beaufort Road Ebbw Vale.
C/2020/0221	Former School Site, Chapel Road, Blaina, NP13 3BX
<b>3. Recommendation/s for Consideration</b>	
Please refer to individual reports	

## Planning Update Report

<b>Application No:</b> C/2013/0170	<b>App Type:</b> Outline
<b>Applicant:</b> Jacksons Properties Ltd C/O Agent	<b>Agent:</b> GVA One Kingsway Cardiff CF10 3AN
<b>Site Address:</b> Former Rhyd y Blew Reservoir Site, Beaufort Road Ebbw Vale.	
<b>Development:</b> Outline application for residential development together with associated access, car parking and servicing, open space and landscaping and all other ancillary works and activities.	
<b>Case Officer:</b>	Eirlys Hallett



<b>1.0</b>	<b>Purpose of Report</b>
1.1	To consider a planning application that was reported to the July 2014 Planning Committee.
1.2	Members previously resolved to approve the application in accordance with my recommendation. This required the applicants to enter a Section 106 Agreement before permission was granted

	to fully mitigate for the impact of the development.
1.3	The s106 has not been completed in the intervening period and the application remains undetermined.
1.4	This report sets out the reasons for the application remaining undetermined and asks for Members to consider the merits based on new information now before us.
<b>2.0</b>	<b>Background</b>
2.1	In July 2014 I presented a detailed report to this Committee in relation to an outline application for residential development of circa 250 units on a triangular site of 5.9 hectares/14 acres at Ebbw Vale.
2.2	The site forms an important part of an area identified in the LDP as the Ebbw Vale Northern Corridor. It is located immediately north of the site of the former Ebbw Vale School and College, an area which has recently gained full planning permission for 277 dwellings.
2.3	The land historically featured two reservoirs associated with The Works. The reservoirs were decommissioned several years ago and the area has since been substantially infilled by the current owners.
2.4	The application submitted in 2013, sought outline planning permission, leaving all detailed reserved matters (i.e. access, siting, appearance, layout and landscaping) to be the subject of further approval.
2.5	The documents submitted in support of the application were based on the premise that the site would accommodate up to 250 residential units and would be accessed off the highways network from two points; one off College Road and one off Beaufort Road.
<b>3.0</b>	<b>Resolution of 2014 Planning Committee</b>
3.1	At the July 2014 Special Planning Committee the recommendation to members was in three parts :-  a. The applicants be invited to enter into a s106 agreement committing to the following :-

	<ul style="list-style-type: none"> <li>• to provide 10% affordable housing in the form of social rented housing of an even mix across all the housing types provided on the site.</li> <li>• to make a financial contribution towards education and/or leisure provision related to the demands of the current proposal amounting to £2,500 per residential unit to be constructed on the site; and</li> </ul> <p>b. that officers be granted delegated authority to negotiate the detailed terms of the agreement based on principles outlined in the officers report and the guidance outlined in the Authority's approved SPG on Planning Obligations; and</p> <p>c. that on completion of the s106, that officers be granted delegated authority to issue planning permission.</p>
3.2	<p>The applicants were required to enter an agreement that would commit them to providing 10% affordable housing and make a financial contribution towards education and/or leisure facilities in the area (circa £625,000 - dependent upon the number of units erected). It was anticipated that such payments would be made on a staged basis during the life of the development based upon agreed trigger points.</p>
3.3	<p>The contribution was based on consultation with numerous stakeholders and careful consideration of what the direct impact a residential development of this scale would have on infrastructure, services and facilities in the area. This had been evaluated in accordance with principles set out in the Council's SPG on Planning Obligations.</p>
3.4	<p>At the time, the total financial contribution requested from the Education and Leisure divisions towards primary and secondary education provision in the site catchment area and recreation and play facilities on site on/or in the vicinity totalled £1,605,000.</p>
3.5	<p>Having been made aware of the amount of contributions, the applicants contended that this was likely to render the scheme unviable. This was argued to be due to the abnormally high costs associated with the development, particularly because of the extensive off-site drainage works required by Welsh Water.</p>
3.6	<p>In accordance with the relevant SPG, the applicants were invited</p>

	<p>to provide an 'open book' financial assessment of the costs and anticipated profits of the scheme. This information was tested in 2014 against a recognised viability assessment toolkit (DAT) by officers. Their appraisal confirmed negative residual land values and it was concluded that the site could only sustain a much reduced planning obligation (excluding affordable housing) amounting to circa £625,000. This was translated to a figure of £2,500 per dwelling based on a scheme of 250 units.</p>
3.7	<p>The applicants agreed in principle at the time to the payment of this reduced contribution (on a per unit basis) and confirmed they were content for discussions around the formulae, mechanisms and timing of such contributions to be the subject of negotiations with officers after the application was presented to Committee.</p>
3.8	<p>My report to Planning Committee in 2014 advocated that the financial contribution should be earmarked for education purposes as it was considered that the leisure/recreation needs of the area would be more appropriately secured by provision of a swathe of open space within the layout anticipated for the adjacent former school and college site. The recommendation in my report was framed in a manner as to allow flexibility for officers to deal with this issue.</p>
3.9	<p>The applicants had also accepted in principle the need to provide 10% affordable housing. The agents confirmed at the time that the intention was to provide social rented housing of an even mix across all the housing types.</p>
3.10	<p>The Council's then Team Manager – Housing Strategy made it clear that no Social Housing Grant could be made available and it was based on such premise that the development appraisal exercise was undertaken in 2014.</p>
3.11	<p>My report to Committee in 2014 also sought to protect the Authority's position by proposing clauses to ensure that if the abnormal developer costs were reduced, the financial contribution expected of the developer should be increased on a proportionate basis. I considered this expedient as there remained uncertainty regarding the scale and costs of the off-site sewer/drainage works and whether some (or all) of those works might be undertaken by other parties.</p>

3.12	I also highlighted to Planning Committee that this was an outline application submitted by the landowners and officers were not aware at the time of any active interest in developing the site. It was therefore viewed as important for Members to appreciate that there was no certainty that a scheme would be delivered and that the contributions referred to in the report would be realised.
3.13	I emphasised nevertheless that it was important that principles around the amount and nature of contributions expected for the site were clearly understood and capable of being applied consistently, particularly as it was envisaged that this site would be the first of a number of sites that might come forward for development in the Northern Corridor.
3.14	In this context I also reminded Members that should the site owners consider it appropriate to request a re-assessment of the viability issues before works commenced on site, the Authority would be obliged by its own SPG to consider such submission and potentially re-assess the levels of contributions required.
3.15	Based upon the above considerations, Committee resolved that the outline application for residential development on this site should be approved.
<b>4.0</b>	<b>Developments since July 2014</b>
4.1	Following the Committee Resolution in 2014, detailed discussions around the s106 took place. This culminated in a Draft Agreement being sent to the applicant's solicitors in February 2017.
4.2	It is acknowledged that this process took far longer than anticipated. The complicated nature of the agreement, uncertainty regarding how to deal with changing external circumstances, the time taken to establish the affordable housing needs of the area, numerous changes in personnel and workload in the planning section all contributed towards this time lag.
4.3	To complicate matters further, a significant portion of the drainage infrastructure works required by Welsh Water to facilitate the development were being implemented. This work was being financed (in part at least) by Welsh Government. They were eager to realise the development potential of their strategic employment site at Rhyd y Blew. It was acknowledged that any developer of

	<p>this site would still need to implement some off site connection works to a designated point on the public sewer and the applicants maintained such work to be abnormal cost that needed to be factored into any financial appraisal.</p>
4.4	<p>It was noted at this stage however that the applicant's drainage costs would be considerably less than initially accounted for and the wording of the draft agreement had to be changed several times to address changing circumstances.</p>
4.5	<p>The agents to the planning application did not respond formally to the Draft agreement issued by the Authority until November 2018. In the meantime, they had indicated on several occasions that the terms of the Draft agreement would render any development of the site unviable.</p>
4.6	<p>During such discussions, the agents were repeatedly advised of the need to support their case for a reduced contribution by providing updated financial information that would enable the Authority re-run the DAT. It was this updated information that was provided in November 2018.</p>
4.7	<p>In later correspondence, the agents also challenged the Authority's contribution requirements by reference to decisions made by Authority in relation to the other housing sites in the locality. The agents were given a detailed written response that explained and justified the context of each decision cited.</p>
4.8	<p>The updated financial information provided in November 2018 was assessed initially by the Team Manager Development Plans (using the DAT). However having regard to the complicated nature of the case and the scale of the reduction in the contribution that was being argued, officers took the view that this case was one which warranted being assessed by an independent body such as the District Valuer (DV).</p>
4.9	<p>The approach (outlined in the SPG) was discussed and agreed with the agents. This culminated in the DV being formally instructed to undertake an independent review of the applicant's submission in October 2019.</p>
4.10	<p>In July 2020 I received a copy of a Draft report from the DV which assessed the Financial Viability Appraisal (FVA) submitted by the</p>

	<p>applicants. A final version of the DV report was issued on 9<sup>th</sup> November 2020 following changes made in light of requests for clarification from ourselves and issues raised by the applicants.</p>
4.11	<p>The DV have examined the FVA undertaken on behalf of the applicants and have undertaken their own assessment and research of the various inputs and assumptions upon which that review had been based.</p>
4.12	<p>Having considered factors such as the costs of the scheme, build costs, other costs, the development programme, expected profit levels and land values <u>the DV have concluded that the scheme cannot sustain the planning obligation.</u></p>
4.13	<p>In summary they have advised that :-</p> <p><i>‘..... the scheme proposed shows to be unviable and does not produce a competitive rate of return if a planning obligation payment of £625,000 is required. Based on the inputs DVS have adopted, the scheme can achieve a profit level of 17.06% without any contribution, which falls short of the target profit rate expected for a scheme of this nature.’</i></p>
4.14	<p>Members should note in this respect that the percentage profit referred to in their conclusion falls well below the accepted industry profit level of 20%.</p>
4.15	<p>Having regard to the obvious impact that not securing the financial contribution anticipated might have on the education service I recently discussed this issue with colleagues from that Directorate. It was agreed that having regard to the time which had elapsed since they initially advised the planning section of their needs (2013) it would be prudent for them to carry out an updated needs assessment.</p>
4.16	<p>Having undertaken this exercise they have confirmed that their needs have changed. Their updated assessment has confirmed that they no longer require a contribution towards comprehensive education (£707,000). However their need for the primary sector has increased. The sum total of what they requested in 2013 (primary and secondary) was £1,355,000. Their recent assessment indicates that they now require a contribution of £874,902.60 towards primary education. This is calculated on the</p>



	<p>basis of the recognised cost of an anticipated shortfall of 93 spaces in the primary sector.</p>
4.17	<p>Members should appreciate however that it was fully accepted by Committee back in 2014 on viability grounds that only £625,000 (46%) of the £1,355,000 which had been requested by the Education Directorate at the time could have been reasonably secured via a Section 106.</p>
4.18	<p>Having appraised colleagues in education of the conclusions of the independent assessment undertaken by the DV, I asked them to provide a statement what impact the loss of this anticipated contribution might have on their service area. I specifically asked them to confirm whether the impact was such that it might justify refusing the planning application.</p>
4.19	<p>In a statement received from The Education Transformation Manager she has advised as follows :-</p> <p><i>‘The service is obviously disappointed that the contributions that it anticipated to come forward in association with this development cannot be secured for viability reasons and it is accepted that the loss of this contribution may have a longer-term impact on the ability to meet future demands. However, it should be noted that the loss of this contribution will have no direct impact upon the delivery of the new school proposed at Glyncoed. It is also recognised that a financial contribution is anticipated from the new residential development proposed adjacent to this site on the former Ebbw Vale School and Gwent College site. This will ensure that increased demand in school places in the catchment area can be managed in the short term. Based on uncertainties around predicting school places in the long term the education service would not be able to substantiate and sustain a reason to refuse the current planning application. The service would however welcome any opportunities that may arise to work with any future developer with a view to collaborating with the service and securing any potential related community benefits.’</i></p>
<b>5.0</b>	<b>Current Position</b>
5.1	<p>Having been made aware of the findings of the independent assessment undertaken by the DV, we have had further discussion with the agents with view to clarifying whether the applicant would be prepared to offer any contribution – either in</p>

	the form of affordable housing or a financial contribution.
5.2	In response to such discussions the agent has confirmed his client's willingness to provide 10% affordable housing. In this context the agents contended that this could be secured via a planning condition which would negate the need for a s106 agreement.
5.3	Having considered this issue carefully and having had regard to the advice contained in the Authority's approved SPG on Planning Obligations, I have concluded that a s106 agreement is necessary. Whilst we fully accept that we have secured affordable housing on some sites by condition only (mainly when dealing with RSL's) I feel that a s106 agreement is warranted in this instance for another reason.
5.4	<p>We are mindful in particular that the SPG advocates that in situations where there is uncertainty regarding the detail of a given scheme, the Authority can legitimately require the applicant to enter an agreement that would include time limiting clauses. Such an approach is also advocated by the SPG for circumstances where a substantial reduction in contributions is being justified on viability grounds. It is concluded having regard to the circumstances of this case that requiring the applicant to enter a Section 106 agreement would be fully justified as a means of safeguarding the Authority's position. The need to consider imposing a time limiting clause is a matter also highlighted by the DV. In their final report they advised:</p> <p><i>'If the Council are minded to grant permission on the basis of reduced contributions we would suggest that a time scale for delivery is agreed which if not met triggers a further viability review.'</i></p>
5.5	In adopting this approach it is suggested that clauses should be included in the agreement to ensure that viability of the scheme is re-evaluated at a future date. This concept has been discussed with the agent who has confirmed that he is agreeable in principle to the introduction of a mechanism that would require a review of the viability assessment.
5.6	We have also agreed in principle that such a review would need to be triggered either by a specified timeframe/date and/or a certain

	<p>stage of development (e.g. introducing a phased approach to the development). Members will appreciate that in introducing such provisos if market conditions improve or other external factors change e.g. financial support from potential external funding streams was secured, this may provide an opportunity for the Authority in the longer term to secure increased contribution levels.</p>
5.7	<p>Whilst the framing of the necessary triggers has not been agreed to date (and will require further work) the agent has agreed in principle to the need for an agreement which contains time limiting clauses. It is therefore suggested that the trigger details etc. should be left to be determined as part of the s106 negotiation process. What would be ensured is that a clause in the agreement would require the applicant (and any successor in title) to pay to the Local Planning Authority the increased financial contribution that any viability assessment review might deem appropriate.</p>
5.8	<p>In suggesting this way forward, I am mindful that such time limiting triggers have not been required of other similar developments in the Borough. However I am comfortable that a combination of the outline status of the application, the scale of development proposed and the impact that the loss of anticipated contributions might have on the Authority's longer term ability to meet the education needs of the proposed development fully justifies the introduction of such safeguards.</p>
<b>6.0</b>	<b>Conclusion</b>
6.1	<p>This application (submitted in 2013) sought outline permission to build up to 250 residential units on a prominent site adjacent to the A4046 to the north of Ebbw Vale.</p>
6.2	<p>Planning permission has not been granted as the s106 agreement (agreed in principle in 2014) has not been completed. This is on the grounds that such a contribution would render development of the site unviable. Such an agreement would have committed them to make a financial contribution towards meeting the education needs of the development.</p>
6.3	<p>It is now in the interest of all parties for this application to be determined. The Replacement Local Development Plan requires sites to be viable and deliverable to be included in the Plan. A</p>

	<p>decision on this application will offer the certainty required to support the inclusion of this site in the Plan.</p>
6.4	<p>The applicants have provided a financial assessment to support their contention that providing 10% affordable housing on the site and making the financial contribution expected in 2014 would render development of the site unviable.</p>
6.5	<p>The financial information has been assessed by the DV in an independent capacity and they have concluded that scheme cannot afford the planning obligation. They have concluded that the scheme cannot afford the financial contribution <u>nor</u> the affordable housing element.</p>
6.6	<p>Notwithstanding the DV findings the applicant has agreed to provide 10% affordable housing on the site in compliance with policy requirements . The applicant contends that this could be secured through a planning condition rather than by a Section 106 agreement. I maintain however that a Section 106 agreement is necessary in this instance in order to secure a time limiting clause.</p>
6.7	<p>I accordingly recommend that the required agreement should secure both affordable housing and a time limiting clause. The time limiting clause would require that if development of the site has not commenced and/nor progressed beyond a certain stage within specified timeframes this would trigger a requirement for the developer to :-</p> <ul style="list-style-type: none"><li>(a) submit a review of the viability assessment which supported the current submission for the consideration of the Authority; and</li><li>(b) pay the Authority any financial contribution that might be recommended by such review.</li></ul>
6.8	<p>The agent has agreed to this suggestion in principle and is content that the precise wording of any clauses are determined as part of the s106 negotiation process.</p>
6.9	<p>I fully appreciate that Members will be concerned regarding the potential loss of what may have been a significant financial contribution towards education provision in the Borough and the impact that this might have in the longer term on that service.</p>

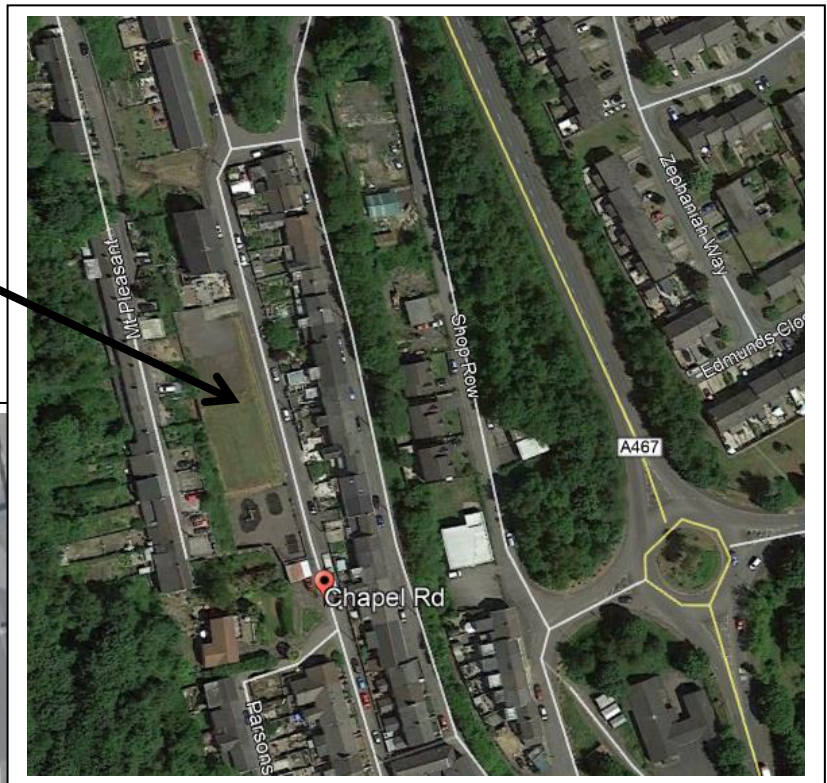
6.10	It must be acknowledged however that an <u>independent party</u> has verified the data following a robust assessment. The applicants have been able to demonstrate that the scheme could not be made viable if the requirement was to be upheld.
6.11	Significantly, the Council's Education Transformation Manager has confirmed that loss of this income will not impact on the provision of a new school at Glyncoed and that notably, the service has recently been able to secure (via a separate s106 Agreement related to another development) a financial contribution which should enable them to meet anticipated immediate needs in this catchment area. This is a contribution that was not envisaged back in 2014.
6.12	It is also evident that difficulties and uncertainties regarding forecasting pupil placement in the longer term would make it difficult for the Council to present a robust case at appeal should planning permission be refused.
6.13	Members will appreciate that in making a balanced decision upon whether to approve this application (without the financial contribution towards the education service) or alternatively refuse planning permission, they should also carefully consider other relevant matters.
6.14	Significant weight should be attached to the potential of development of this site to secure other direct and indirect benefits which would help deliver the strategic objectives of the LDP and the wider corporate aspirations of the Borough.
6.15	I anticipate that it would ensure an increase and wider range of housing stock, provide valuable job opportunities, boost the local economy by encouraging the use of local supply chains, secure re-development of a prominent brownfield site in a sustainable location and enhance the perception of the area by evidencing significant inward investment to the area.
6.16	I am satisfied that the applicants have provided the evidence to demonstrate that if they are required to provide the level of contribution towards education that was envisaged in 2014, it will not be viable to develop this site. There is a high risk that the site will be left vacant for a significant period.

6.17	I am also satisfied that the submitted information has been thoroughly tested by a recognised independent assessor in accordance with adopted guidance and that the findings of the applicant's FVA have been found to be sound.
6.18	Based on such considerations I recommend that Members accept the recommendation listed below which I contend is proportionate to the circumstances of this case and what is necessary to safeguard the Authority from any adverse longer term change in market circumstances or other external influences.
6.19	Having regard to the time that has elapsed since the 2014, it is also necessary to review and update the suggested conditions. Further conditions may also be required to address a possible phased approach to development or other matters. Members are respectfully requested to give delegated authority to officers to amend the conditions in accordance with such issues and requirements.
<b>7.0</b>	<b>Recommendation</b>
7.1	<ol style="list-style-type: none"> <li>1. That Members accept that there is insufficient viability within the submitted scheme to justify requiring a financial contribution towards the education service and that they accept the applicants offer to provide 10% Affordable Housing on the site.</li> <li>2. That the applicants are required to enter a s106 agreement that will commit them to the following heads of terms:- <ol style="list-style-type: none"> <li>i) to provide 10% affordable housing (social rented) on site; and</li> <li>ii) accept clauses that will introduce a requirement to provide a review of the submitted viability assessment at agreed trigger points.</li> </ol> </li> <li>3. That on completion of the agreement outlined in recommendation 2 above that planning permission be granted subject to conditions that reflect those conditions reported to Committee in 2014 and any other additional and updated conditions deemed appropriate by officers.</li> </ol>

## Planning Report

<b>Application No:</b> C/2020/0221	<b>App Type:</b> Full
<b>Applicant:</b> Stephen Mayley Brynderwen Castlewood Pontypool, NP4 7UF	<b>Agent:</b>
<b>Site Address:</b> Former School Site, Chapel Road, Blaina NP13 3BX	
<b>Development:</b> Residential development of 4 pairs of semi-detached houses (8 in total)	
<b>Case Officer:</b> Joanne White	

Application Site



## 1. Background, Development and Site Context

1.1 The site is a vacant former school site which occupies a hillside position at Westside, Blaina. Due to the steep topography of the area, terraced dwellings along Mount Pleasant (to the west) are located at a much higher level to the site, whilst properties along Railway Terrace (to the east) are at a lower level to Chapel Road. To the north of the site are 1 and 2 Ebenenzer Cottages which occupy part of a 3 storey former chapel and to the south is a self-contained playground that sits above road level and is accessed by steps off Chapel Road.

1.2 The brownfield site is rectangular in shape and measures approximately 19.8m wide/deep and 59.5m long. A high stone retaining wall bounds the site to the rear (west) and part of the northern side boundary whilst the remainder of the site is bound by galvanised hoop railings. A grass embankment runs along the site frontage, rising up from the road to meet a concrete plateau which sits at approximately the same level as the adjacent playground.

1.3



Fig 1. View of the site looking northwards



1.4



Fig 2. Southern end of the site (within galvanised railings) and adjacent playground (stone boundary)

1.5 Planning permission is sought to construct 4 pairs of two storey, semi-detached dwellings on the site; 8 dwellings in total.

1.6 The plans indicate that each 3-bed dwelling will measure approximately 7.6m high x 4.7m wide x 8.7m long with an additional small lean-to porch projection to the front of 0.9m x 2.6m wide. Dwellings will be set back from the rear of the public footpath by approximately 5m with provision for 2 off-road car parking spaces per dwelling, arranged in a tandem formation. Plot frontages will feature rain gardens for surface water run-off, low level stonework retaining walls (0.9m high) and a shallow embankment. Shared access steps will be located centrally between each pair of dwellings to provide pedestrian access. Rear gardens will be predominantly level with a patio area and lawn.

1.7 Boundary treatments include 1.2m high close boarded timber fences to the rear of the parking bays (to enclose the rear gardens) and between rear side boundaries.

1.8 Finishes to the properties include black concrete roof tiles, ivory colour render with stone cills and header features and white Upvc windows and doors.

1.9



Fig 3. Proposed site layout

## 2. Site History

	Ref No	Details	Decision
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2.1 None

## 3. Consultation and Other Relevant Information

3.1 **Internal BG Responses**

3.2 **Team Leader Building Control:** Building Regulations required.

3.3 **Service Manager Infrastructure:**

Highways: No objection, subject to conditions that the driveways are completed prior to occupation

3.4 **Drainage:** The development requires SAB approval. If rain gardens are required they can be lined so that they don't weep out to the surrounding area. However, they may not be necessary.

3.5 **Ground Stability:**

Recommend a condition report of the existing rear retaining wall to determine the long term stability of the wall.

3.6 **Landscape:**

No objection in principle but need for consideration of green infrastructure within the design process. Require detailed information including tree shrub planting to enhance the street scene.

3.7 **Service Manager Public Protection:**


No objection subject to conditions requiring submission of a construction and

	environmental management plan (detailing means of noise and dust mitigation), construction hours and standard land contamination condition.
3.8	Suggest that provision should also be made for the charging of electric vehicles at the properties.
3.9	<b><u>External Consultation Responses</u></b>
3.10	<u>Town / Community Council:</u> No objection, but raised concerns regarding the stability of the retaining wall to the rear.
3.11	<u>Welsh Water:</u> Capacity exists to receive the domestic foul only flows from the proposed development. The application is required to go through the full SAB process for all surface water drainage.
3.12	<u>Western Power:</u> Identified apparatus in the area
3.13	<u>W&amp;W Utilities:</u> Identified apparatus in the area
3.14	<b><u>Public Consultation:</u></b> <del>Strikethrough to delete as appropriate</del> <ul style="list-style-type: none"> <li>• 46 letters to nearby houses</li> <li>• 2 x site notices</li> <li>• website public register of applications</li> <li>• ward members by letter</li> <li>• all members via weekly list of applications received</li> </ul>
3.15	<u>Response:</u> 3 Letters of objection have been received. The main issues are summarised below:
3.16	<ul style="list-style-type: none"> <li>• Not against development but 8 houses is too much – 4 houses plus a car park would be better;</li> </ul>
3.17	<ul style="list-style-type: none"> <li>• 8 houses is an overdevelopment and the houses are too small;</li> </ul>
3.18	<ul style="list-style-type: none"> <li>• Are these intended for private sale or social housing? If the latter, then it is too many for a small village;</li> </ul>
3.19	<ul style="list-style-type: none"> <li>• Some 3-bed houses might have more than 2 cars and will then park on Chapel Road which would make it difficult for properties along Railway Terrace to park;</li> </ul>
3.20	<ul style="list-style-type: none"> <li>• Road access is barely adequate to accommodate current traffic with 2 sharp right hand bends and a narrow road. This development could</li> </ul>

3.21	<p>mean an extra 16 cars.</p> <ul style="list-style-type: none"> <li>Chapel Road already accommodates vehicles from Mount Pleasant, Railway Terrace and Parsons Row where they do not have adequate parking outside their houses. A 24 hour survey would reveal the current use at full capacity;</li> </ul>
3.22	<ul style="list-style-type: none"> <li>Tandem parking usually results in the second vehicle parking on the road. Reversing in or out may prove dangerous or impossible when the road is at capacity. Side by side parking would alleviate the problem and by setting the properties back;</li> </ul>
3.23	<ul style="list-style-type: none"> <li>Existing residents should have the option of purchasing Residents Only parking permits;</li> </ul>
3.24	<ul style="list-style-type: none"> <li>Excess traffic and more parked cars will cause more problems;</li> </ul>
3.25	<ul style="list-style-type: none"> <li>Planning Officer and Highways Officer should visit at peak times to see parking problems and discuss options with the residents;</li> </ul>
3.26	<ul style="list-style-type: none"> <li>Additional traffic from 8 families – 40 new residents with a possibility of up to 40 cars is unpractical and an added danger to an already congested location;</li> </ul>
3.27	<ul style="list-style-type: none"> <li>On a daily basis residents have to reverse whole length of front and rear of Railway Terrace due to it being congested. There are no footpaths available due to residents parking on them. Mothers, the elderly and residents in general have to navigate this dangerous situation;</li> </ul>
3.28	<ul style="list-style-type: none"> <li>Rain gardens will increase the amount of water under an already sinking road;</li> </ul>
3.29	<ul style="list-style-type: none"> <li>The proposal will overlook our bedroom, lounge and amenity area and will block our right to light and views;</li> </ul>
3.30	<ul style="list-style-type: none"> <li>The school was previously demolished due to safety – was this due to the wall? It is very high and unstable. Any collapse of the wall would cover the proposed gardens or worse, endanger life.</li> </ul>

**4. Planning Policy**

4.1	<p><u>Relevant LDP Policies:</u></p> <ul style="list-style-type: none"> <li>SP4 – Delivering Quality Housing</li> <li>SP5 – Spatial Distribution of Housing</li> <li>DM1 New Development</li> <li>DM2 Design and Placemaking</li> <li>SB1 Settlement Boundaries</li> <li>SP9 Active and Healthy Communities</li> <li>SP10 Protection and Enhancement of the Natural Environment</li> <li>DM14 Biodiversity Protection and Enhancement</li> <li>DM15 Protection and Enhancement of the Green Infrastructure</li> <li>DM16 Trees, Woodlands and Hedgerow Protection</li> </ul>
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4.2	<p><u>PPW &amp; TANs:</u>          Planning Policy Wales 10 (December 2018)          Access, Car Parking and Design SPG (2014)          A Model Design Guide for Wales Residential Development (2005).</p>
<p><b>5. Planning Assessment</b></p>	
5.1	<p>The site lies within the settlement boundary as defined by the Council's adopted Local Development Plan (LDP). The principle of residential development is therefore considered acceptable subject to the satisfaction of policies contained within the LDP.</p>
5.2	<p><u>Layout, Form &amp; Scale</u>          The area is predominantly characterised by terraced dwellings, although Chapel Road itself includes detached houses of varying scale. Having considered the existing street scene I consider that the proposed dwellings are of an appropriate scale and form to harmonise with the existing housing mix and will sit comfortably within the wider landscape. The linear layout will respect the character of the area whilst allowing for off road parking and garden frontages. In terms of design, the area has a mixture of finishes including stonework, render and spar. The proposed development has due regard to the local area by incorporating stonework dwarf retaining walls and ivory render finish to the dwellings. Stone headers and cills are also incorporated to add architectural interest to the windows. As such, I consider the development complies with LDP Policy DM1(2)a,b and DM2(a).</p>
5.3	
5.4	<p>Each dwelling will have sufficient amenity space, as required by LDP Policy DM1(2)d.</p>
5.5	<p><u>Highway Impact</u>          The development scores 8 sustainability points when assessed against Appendix 5 of the adopted Supplementary Planning Guidance 'Access, Car Parking and Design'. Consequently this allows for a reduction of 1 parking space per dwelling; meaning that 2 spaces per dwelling are required for the scheme. The development provides for 2 off-street spaces per 3-bed</p>

	dwelling and therefore complies with the requirements of the SPG.
5.6	Having been advised of the numerous access and parking concerns expressed by local residents the Highways Manager has carefully considered the existing highway capacity, access to and from the site from the surrounding highway network and the required space needed for future residents to access the proposed driveways (even if there are vehicles parked along Chapel Road).
5.7	The Highways Manager has acknowledged that there are areas of the highway network within the vicinity of the development that could be considered as sub-standard. However, he has highlighted that there are two different routes available for drivers to access the development site and that the route via Shop Row/Chapel Road is capable of accommodating the additional traffic movements associated with this development.
5.8	In response to residents' comments regarding additional traffic on the highway, the Highways Manager has highlighted that there are no parking restrictions at Chapel Road within the immediate vicinity of the development site, and therefore any legally roadworthy vehicle is permitted to park. Nevertheless, he is satisfied that the proposed development provides sufficient off-street parking and thus the development would not have a significant impact upon the current parking pressures in the vicinity.
5.9	Furthermore, the Highways Manager is satisfied that the road width is such that in the event of vehicles parking on the carriageway opposite the proposed new driveways, cars would still be able to access/exit the driveways. This can be further supplemented by ensuring that drop kerbs will be provided along the full extent of the development frontage, to allow vehicles to access and exit their driveways safely.
5.10	The Highways Manager has subsequently confirmed that the development is acceptable and complies with both LDP Policies DM1(3) a and d and the SPG, subject to conditions requiring the parking spaces to be fully constructed prior to occupation. On this basis, he is satisfied that it is unnecessary and unreasonable to require the developer to conduct a transport assessment, as suggested by a local resident.
5.11	<p><u>Drainage</u></p> <p>Since 7<sup>th</sup> January 2019 any development proposals that have a hard surface area that exceeds 100m<sup>2</sup> require separate SAB approval to deal with surface water drainage. This development exceeds that threshold and accordingly requires approval of Sustainable Drainage Systems (SuDS).</p>

5.12 I note that a resident has raised concerns regarding the impact of surface water drainage from the proposed rain gardens on the existing road. The Senior Drainage Engineer has confirmed that if rain gardens are required they can be lined so that they don't weep out to the surrounding area. As such, they would be considered as part of the SAB process.

5.13 Neighbouring Amenity

In addition to the highways concerns addressed above, one objector along Railway Terrace raised concerns of overlooking. It is acknowledged that the proposed dwellings will sit between 1.6m-2m above the footpath that fronts the site. However, as a result of the topography of the area, any overlooking towards the properties along Railway Terrace is likely to be at roof level. Furthermore, I noted from my site visit that first floor rear windows along Railway Terrace are already overlooked by the existing public footpaths along Chapel Road. Given that the proposed dwellings are set back from the road, are at a higher level and will be approximately 19m away from the rear building line of properties along Railway Terrace I do not consider that there will be unacceptable levels of overlooking to justify refusal of the application.

5.14



Fig 4. Views from within the site showing rear of properties along Railway Terrace.

5.15 Similarly, in terms of the dwellings to the rear of the site (Mount Pleasant), these dwellings are located in excess of 20m from the rear elevation of the proposed new properties and are at a higher level. As such, I am satisfied that there will not be unacceptable levels of overlooking between the existing and proposed dwellings.

5.16 Having regard to the converted chapel to the north of the site (known as 1 and 2 Ebenezer Cottages), the relationship of the properties is such that the

two residential units which occupy the ground and first floor of the converted chapel will overlook the side elevation of plot 8. However, the cottage frontages are separated from the application site by their respective garden areas and a distance of approximately 9m. The distance from the cottages to the side elevation of the dwelling on plot 8 is approximately 12m.

5.17 I further note that the only windows proposed in the side elevation of Plot 8 are those serving a landing and en-suite at first floor level. However, conditions can be imposed to require the landing window to be obscurely glazed and to prevent any further windows being inserted on the side elevation in order to safeguard the future amenity of occupiers of 1 & 2 Ebenezer Cottages. In terms of the boundary treatments between the site and the gardens of 1 & 2 Ebenezer Cottages, I note that the high level retaining wall occupies part of the northern boundary whilst a low level wall with post and wire mesh fencing above runs along the remainder (Fig 5 and 6 below). Any potential overlooking to the ground floor of 1 Ebenezer Cottages is already prevented by its own elevated garden and a closed boarded timber fence along the boundary with the application site (Fig 5 below). Any potential overlooking of the amenity area of 2 Ebenezer Cottages would be from the proposed driveway of plot 8. However these views are already obtained from within the street and as such I do not consider views from the proposed driveway would give rise to unacceptable overlooking.

5.18



Fig 5 (above): 1 & 2 Ebenezer Cottages at northern end of site. Please note top row of windows are non-residential.

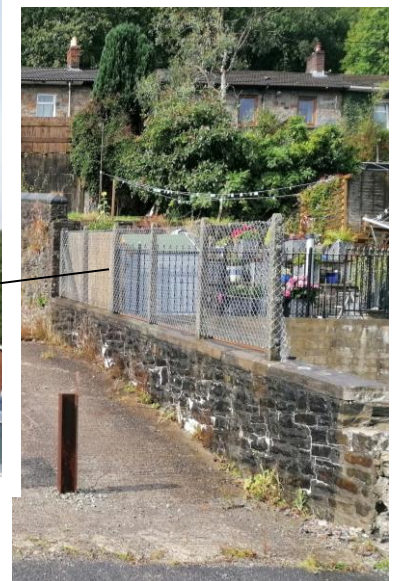


Fig 6 (Right): Existing boundary treatments to northern boundary.



5.19	<p>In considering this application I have also assessed the impact of the proposal in terms of any overshadowing or overbearing impact upon the neighbouring properties. Whilst I acknowledge that plot 8 may cause some overshadowing on the adjacent property at 1 Ebenezer Cottages, given that there are existing high level boundary treatments and the proposed dwelling at plot 8 is located some 12m from the southern elevation of Ebenezer Cottages, I do not consider that any overshadowing would have such a detrimental impact upon the neighbouring amenity to be of concern. In reference to the neighbour's loss of a view, this is not a material planning consideration.</p>
5.20	<p>On balance, I am satisfied that the development complies with LDP Policy DM1(2)c.</p>
5.21	<p><u>Other Matters</u> I acknowledge concerns raised by a resident regarding the retaining wall to the rear and having visited the site myself I share these concerns. The Senior Structural Engineer has also requested that a condition survey of wall is carried out prior to development to ascertain the stability of the wall. As such, a condition can be imposed requiring such details to be submitted before works commence on site and for any necessary remedial action to be undertaken in accordance with an agreed timeframe. Notwithstanding these details, Members are reminded that the responsibility and subsequent liability for safe and satisfactory development rests entirely with the developer and/or landowner. As such, an informative note can be added to remind the developer of their responsibilities in this regard.</p>
5.22	<p>Highway Issues raised by resident's have been considered by the Highway Authority. However, comments in relation to parking permits for existing residents are not material to the consideration of this application, but something that should be discussed with the Highway Authority.</p>
5.23	<p>The Highway Authority have confirmed that they are aware of footway obstructions on Railway Terrace. However, enforcement of such obstructions are a matter dealt with by the Police. Nevertheless, in respect of the proposed development, the Highways Manager has confirmed that during several site visits no vehicles were observed to be obstructing footways on Chapel Road, where this development is proposed.</p>
5.24	<p>In response to comments that the Planning Officer and Highways Officer should visit the area at peak times to see parking problems and discuss options with the residents, it is not feasible for officers to meet residents during the current pandemic. Nevertheless, the Highways Manager and</p>

	Planning Officer are fully satisfied that they have both visited and are fully conversant with the site and its surroundings and have fully considered all material issues raised by residents.
5.25	The development does not trigger the requirement for a contribution to affordable housing and therefore the tenure of the houses; whether they intend to be sold on the open market or taken over by a registered social landlord is not a material planning consideration in the determination of this application.
5.26	The Environmental Health Officer has requested that a condition be imposed requiring the provision of electrical charging points. Whilst it is not currently common practice to require such provision by condition an informative note can be added to encourage the incorporation of such features.
5.27	<p><u>Conclusion</u></p> <p>On balance, I consider that this application for eight new dwellings on this brownfield site can be approved subject to planning conditions. The development complies with the requirements of LDP Policies DM1(2)a,b,c,d DM1(3) a,d and DM2(a) and (b). Development of this land will make a positive contribution towards the housing stock required by LDP Policy SP4 and will provide a mix of dwelling types within this area. I therefore recommend that the application be approved with conditions.</p>
<b>6. Legislative Obligations</b>	
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.
<b>7. Conclusion and Recommendation</b>	
7.1	<p>Planning permission be <b><u>GRANTED</u></b> subject to the following condition(s):</p> <ol style="list-style-type: none"> <li>1. The development shall be completed in full accordance with the following approved plans and documents:</li> </ol>

- Site Boundary Area, dwg no. D69-2020-01 Stamped Received 11.09.2020;
- Site Location Plan, dwg no. D69-2020-02 Stamped Received 11.09.2020;
- Street View, dwg no. D69-2020-03 Stamped Received 11.09.2020;
- Floor Plans and Elevations, dwg no. D69-2020-04 Stamped Received 11.09.2020;
- Section A-A, dwg no. D69-2020-05 Stamped Received 11.09.2020;
- Driveway Access Levels, dwg no. DC69-2020-08 Received 22.10.2020;
- Landscape Layout Plan, dwg no. DC69-2020-09

unless otherwise specified or required by conditions 2 – 10 listed below.

Reason: To clearly define the scope of this permission.

2. Notwithstanding the details on the approved plans, the surface water drainage proposals are not approved.

Reason: To clearly define the scope of the permission.

3. No development shall take place until a structural survey of the condition and stability of the retaining wall along the rear (western) boundary of the site has been submitted to and approved in writing by the Local Planning Authority. The survey shall be carried out by a suitably qualified engineer. All required remedial works shall be undertaken and completed in full accordance with such details and specifications as may be approved and within a timescale to be agreed in writing by the Local Planning Authority.

Reason: To safeguard the integrity of any retaining works required in association with the approved development

4. No development shall commence on site until a Construction Method Statement has been submitted to and approved in writing by The Local Planning Authority. The Statement shall provide details of for:-
  - hours of working;

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

Such details and measures as contained in a Statement that is approved in writing by the Local Planning Authority shall be adhered to throughout the construction period.

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

5. Notwithstanding any details indicated on the approved plans, no works beyond the laying of the floor slab shall be undertaken on each plot until details of the hard and soft landscaping, including finishes of the proposed access steps and handrails relative to that plot have been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented prior to occupation of each respective dwelling or such alternative timescales as may be submitted and approved in writing by the Local Planning Authority.

Reason: To clearly define the scope of the permission and to secure a development that makes a positive contribution to the landscape and visual amenities of the area.

6. Notwithstanding the details on the approved plans, the first floor windows on Plot 8 shall be obscurely glazed and retained as such in perpetuity.

Reason: To safeguard the amenity of neighbouring properties.

7. No dwelling hereby approved shall be occupied until all boundary treatments relating to that dwelling are completed in full accordance with the details indicated on the approved plans.

Reason: To safeguard the visual amenities of the area.

8. None of the dwellings hereby approved shall be occupied until the access, driveway and parking areas relating to that property are constructed, surfaced and drained as may be approved by condition 5 and at a gradient of no greater than 1 in 8. All the parking areas approved shall be retained for parking purposes at all times, unless otherwise agreed in writing by the Local Planning Authority.

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

9. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than any expressly authorised by this permission) shall be erected or constructed forward of the principal elevation of that dwelling in excess of 1 metre in height.

Reason: In the interests of visual amenity and to safeguard the appearance of the area.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking or re-enacting that Order with or without modification) no window or door openings other than those shown on the approved plans shall be formed in the side elevations of Plot 8 hereby approved.

Reason: To protect the privacy and amenities of the occupiers/users of the adjoining property.

11. Standard Time Limit (Full Planning)

Informative Notes:

1. The applicant/developer should note that the development hereby approved also requires SuDS approval before work commence. Further guidance can be found at <https://www.blaenau-gwent.gov.uk/en/resident/planning/how-to-apply-for-planning->

[permission/permission-for-drainage/](#)

On such basis any surface water drainage details submitted as part of your application have not been considered. Should it be necessary to amend your development to meet the requirements of the SAB (SuDS Approval Body) you should seek further advice from the Local Planning Authority.

2. To create the necessary driveway accesses the developer is required to contact the Highway Authority to complete the dropped kerbs, footway strengthening, removal of existing pedestrian handrail and other required highway accommodation works.
3. In addressing condition 5 above, the developer should include the following details:
  - a) details of ground preparation, planting plans, number and details of species;
  - b) maintenance proposals of soft landscaping for a minimum period of 5 years; and
  - c) details of the implementation timescales for the soft landscaping;

In reference to the handrails, the developer is encouraged to provide an alternative finish to the galvanised steel currently proposed.
4. The site is located in an area overlain with made up ground associated with historical industrial works. If during the course of development any evidence of contamination is found the developer is advised to cease works and contact the Council's Environmental Health section on 01495 355509 for further advice.
5. The developer is encouraged to incorporate provision of electrical vehicle charging points within the scheme.
6. The developer is advised that the responsibility and subsequent liability for safe and satisfactory development rests entirely with the developer and/or landowner.

**8. Risk Implications**

8.1 None.