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Our Ref./Ein Cyf.

Your Ref./Eich Cyf.

Contact:/Cysylltwch â: Mrs Leeann Turner

THIS IS A MEETING WHICH THE PUBLIC ARE ENTITLED TO ATTEND

29th February 2024

Dear Sir/Madam

PLANNING COMMITTEE

A meeting of the Planning Committee will be held via Microsoft Teams (if you would like to view this meeting please contact committee.services@blaenau-gwent.gov.uk) on Thursday, 7th March, 2024 at 10.00 am.

Yours faithfully

Damien McCann
Interim Chief Executive

AGENDA

Pages

1. **SIMULTANEOUS TRANSLATION**

You are welcome to use Welsh at the meeting a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

2. **APOLOGIES**

To receive any apologies for absence.

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn cyfathrebu gyda chi yn eich dewis iaith, dim ond i chi rhoi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in Welsh and English and we will communicate with you in the language of your choice, as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay.

3. **DECLARATIONS OF INTEREST AND DISPENSATIONS**
To receive any declarations of interest and dispensations.
4. **PLANNING APPLICATIONS REPORT** 5 - 20
To consider the report of the Team Manager Development Management.
5. **APPEALS, CONSULTATIONS AND DNS UPDATE MARCH 2024** 21 - 24
To consider the report of the Service Manager Development & Estates.
6. **PLANNING APPEAL UPDATE: ADVERTISING BOARD ON THE HABLE END OF 27 CWM ROAD, WAUNLWYD, EBBW VALE, NP23 6TR** 25 - 32
To consider the report of the Planning Officer.
7. **QUARTERLY PERFORMANCE INFORMATION** 33 - 38
To consider the report of the Service Manager Development & Estates.
8. **LIST OF APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 29TH JANUARY 2024 AND 21ST FEBRUARY 2024** 39 - 46
To consider the report of the Business Support Officer.
9. **COURT PROSECUTION: 44 BRYN COCH, EBBW VALE** 47 - 50
To consider the report of the Enforcement Officer.
10. **AREAS FOR MEMBER BRIEFINGS AND TRAINING**
To discuss any areas for members briefings and training.

EXEMPT ITEM

To receive and consider the following report which in the opinion of the proper officer is/are an exempt item taking into account consideration of the public interest test and that the press and

public should be excluded from the meeting (the reason for the decision for the exemption is available on a schedule maintained by the proper officer).

11. **ENFORCEMENT CLOSED CASES BETWEEN 15TH DECEMBER 2023 AND 22ND FEBRUARY 2024** 51 - 58

To consider the report of the Service Manager Development & Estates.

To: Councillor L. Winnett (Chair)
Councillor P. Baldwin (Vice-Chair)
Councillor M. Day
Councillor W. Hodgins
Councillor J. Holt
Councillor G. Humphreys
Councillor E. Jones
Councillor J. Millard
Councillor J. Morgan, J.P.
Councillor L. Parsons
Councillor D. Rowberry
Councillor C. Smith
Councillor J. Thomas
Councillor D. Wilkshire

All other Members (for information)
Interim Chief Executive
Chief Officers

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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	26th February 2024
Directorate	Regeneration & Community Services
Date of meeting	7th March 2024

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/2023/0087	Celtic Rose, Commercial Road, Llanhilleth, Abertillery NP13 2AE
3. Recommendation/s for Consideration	
Please refer to individual reports	

Planning Report

Application No: C/2023/0087	App Type: Outline
Applicant: Mr Simon Cleary Celtic Rose Commercial Road Llanhilleth Abertillery NP13 2AE	Agent: aj tech design Mr Jason Tadman 69 St Julians Road Newport NP19 7RU
Site Address: Celtic Rose, Commercial Road, Llanhilleth, Abertillery NP13 2AE	
Development: 9 New dwellings and access road	
Case Officer: Helen Hinton	

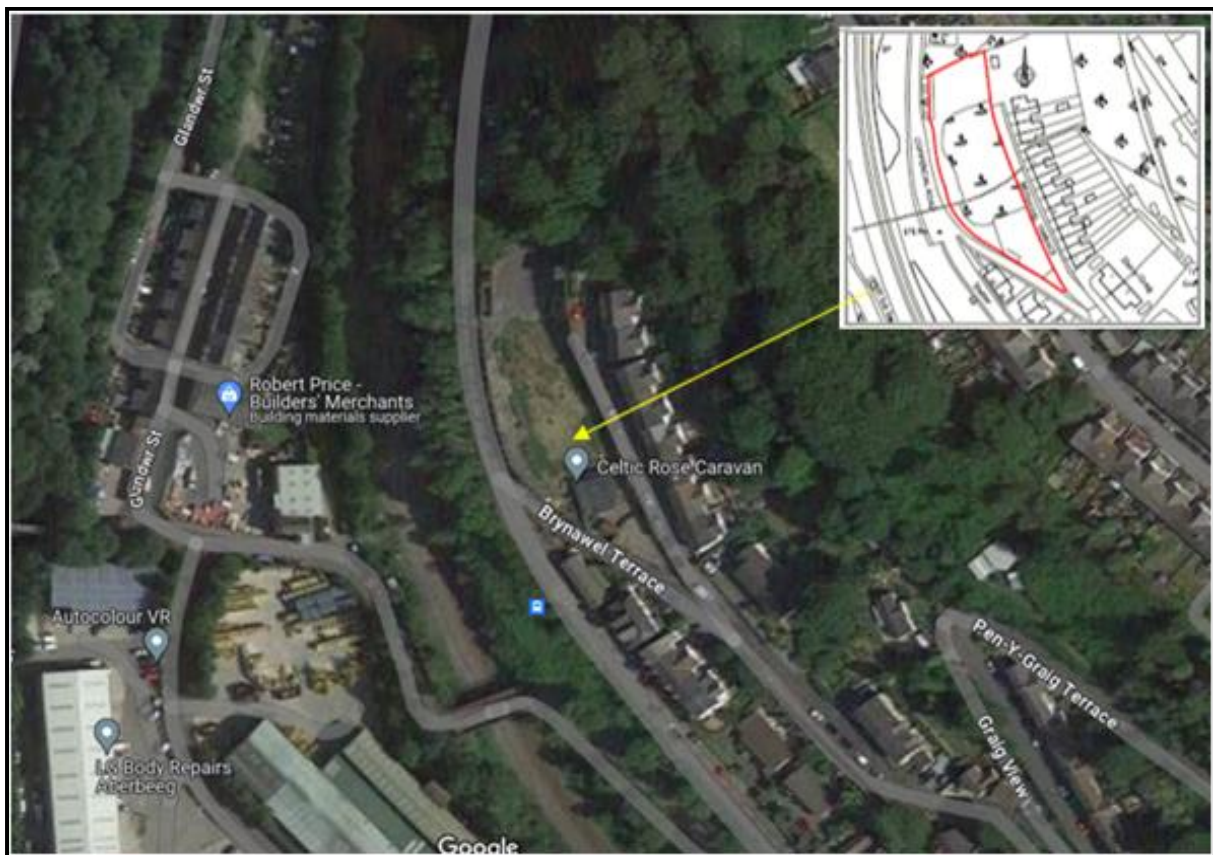


Figure 1. Google ariel image.

1.0 Background, Development and Site Context

1.1 This application seeks outline planning permission for the redevelopment of an area of land known as Celtic Rose (the site of the former Ty'r Graig Junior and Infant School site) Aberbeeg to provide nine residential dwellings.

1.2 Although the application initially sought outline consent with all matters reserved, following a review of the proposal and discussion with the Council's Highway Engineers, concerns were raised as to whether an access, compliant with current highway standards could be achieved to serve the proposal. As a result, notice was served on the applicant in compliance with Part 2, Paragraph 3(2) of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, requiring the submission of detailed access information for consideration as part of the current application.

1.3 Plans submitted now detail the provision of an 14m wide junction into the site, from the hill leading to Brynawel Terrace. The works will necessitate alterations to the existing retaining walls, provision of a new retaining wall on the northern side of the junction together with highway improvement works that include the provision of a pavement that would link with the existing pathway along the hill and Commercial Road. A 5m wide internal road would be provided within the eastern part of the site that would terminate in an on-site turning area in the northern part of the site.

1.4 Additionally, an indicative site layout plan has been submitted detailing how the dwellings with associated parking, garages and amenity areas could be accommodated within the site. The following scale parameters are proposed:

	Maximum	Minimum
Width	7.5m	5.5m
Length	10m	9.0m
Height	8.5m	8.0m

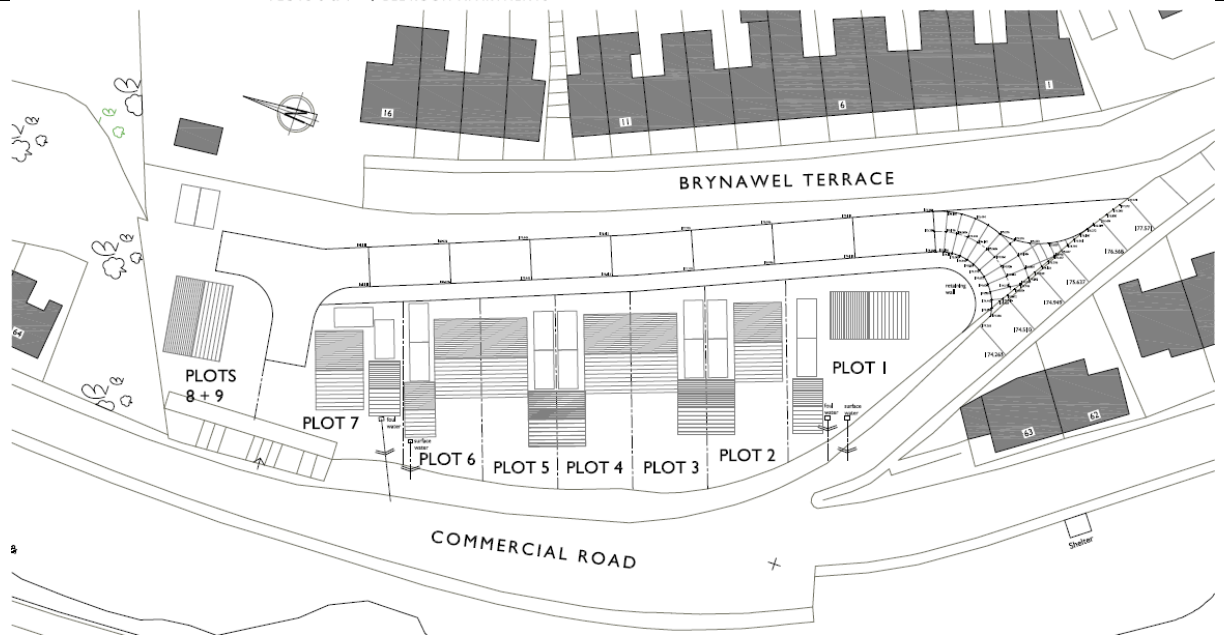


Figure 2. Indivative site layout plan and access.

- 1.6 The site comprises a wedge-shaped parcel of brownfield (formerly developed) land extending to approximately 0.34 hectares. The site is in an elevated position above Commercial Road to the west and is set below the level of the highway and the dwellings of Brynawel Terrace to the east. The site is enclosed by high retaining walls with metal railings above. Access is gained off the hill leading to Brynawel Terrace. At the time of inspection, the site accommodated a steel portal frame building and a small domestic caravan.



Figure 3. Existing access and boundary walls of the application site.



Figure 4. Internal arrangement of application site (southern end).



Figure 5. Internal arrangement of the site (northern end)

1.7	The area surrounding the site is residential in nature. The dwellings closest are generally two storey in form comprising a mix of traditional terraces, and semi-detached dwellings finished with a variety of architectural details and external finishes.
1.8	The site is unallocated and located within the settlement boundary of the Llanhilleth ward as defined by the proposals map of the Blaenau Gwent County Borough Council Local Development Plan (LDP).
1.9	The application is presented to Planning Committee following the receipt of public objections and the decision being in the wider public interest.

2.0 Site History

	Ref No	Details	Decision
2.1	C/2014/0026	Residential development with alterations to access (out)	Approved 24/03/2017
2.2	C/2017/0262	Proposed new house and widening of existing vehicle entrance	Approved 16/11/2017
2.3	C/2022/0024	Application for Non-material amendment of planning permission C/2017/0262 (Proposed new house and widening of the existing vehicle entrance) to adjust the positioning of the approved house, with addition of a balcony, and alterations to windows/doors	Approved 21/02/2022
2.4	C/2022/0038	Proposed two storey, double garage with office/workshop above	Approved 24/05/2022

3.0 Consultation and Other Relevant Information

3.1	<u>Internal BG Responses</u>
3.2	<u>Service Manager Infrastructure:</u> <u>Highways:</u> No objection. Following the submission of amended and additional plans, the Highway Authority is satisfied that an appropriate access road could be constructed to serve the proposed development.
3.3	<u>Drainage:</u> The developer is required to secure SAB consent for the development prior to any works commencing on site.
3.4	<u>Service Manager Public Protection:</u>

	<p>No objection subject to conditions regarding:</p> <ul style="list-style-type: none"> • Land contamination. • The submission of a Construction Environmental Management Plan detailing means of noise, dust and hours of construction; and • Provision being made for the charging of electric vehicles at the properties.
3.5	<u>External Consultation Responses</u>
3.6	<p><u>Town / Community Council:</u> No response received.</p>
3.7	<p><u>Welsh Water:</u> Require foul and surface water discharged to be drained separately from the site. Confirmation that domestic only foul flows from the site can be accepted into the public combined network to the west of the site but that no surface water shall be allowed to connect either directly or indirectly to the public sewerage system. Full foul and surface water drainage details should be secure by condition.</p>
3.8	<p><u>Western Power, Wales and West Utilities:</u> Advice provided regarding the location of apparatus within the vicinity of the site.</p>
3.9	<p><u>LERC</u> Advice provided regarding protected species in the area.</p>
3.10	<p><u>Public Consultation:</u> The original application was advertised by:</p> <ul style="list-style-type: none"> • 29 letters to nearby houses • site notice(s) • website public register of applications • ward members by letter • all members via weekly list of applications received
3.11	The amended highway layout plans have been advertised by direct neighbour notification.
3.12	<p><u>Response:</u> 5 letters of objection and one petition containing 10 signatures have been received and are summarised as follows:</p>

3.13	<p><u>Original plans:</u></p> <ul style="list-style-type: none"> • The entrance is very narrow and the view obstructed. It is impossible for any vehicles larger than a modest car to turn in or out of the entrance without repeated manoeuvring just below the brow of a hill. • Concerns regarding the probability of another 27 cars and other associated traffic using the poor access road onto Commercial Road which is a blind corner. • Proposal will increase traffic volume and movements on the roads which are already in a poor condition and will continue to deteriorate with additional traffic. • Additional traffic will result in additional congestion. • Sections of the road have no pedestrian pavements or traffic calming so additional traffic will add additional safety risks. • Access for heavier vehicle including waste collection etc, not excluding the additional vehicles that would be required for the construction • Concerns as to whether the sewerage system has capacity for a further 9 dwellings. • Commercial Road regularly floods at the top the junction of Commercial Road with Mill Road.
3.14	<p><u>Amended plans:</u></p> <ul style="list-style-type: none"> • Concerns about the impact of groundworks and modifications to retaining wall on the structural integrity of the neighboring properties. • Concerns regarding the stability of the existing retaining walls and railings due to a lack of repair and maintenance • Overdevelopment- consideration should be given to reducing the number of plots proposed. • Noise pollution and disturbance to residents from vehicles and persons during the building process and once complete. • Concerns regarding the provision of sufficient parking. • Vehicles turning in and out of the site will need the hill leading to it to be clear of parked vehicles. At the moment there are at least 6 vehicles that are always parked on this hill. Commercial Road and Brynawel Terrace is also full of parked cars. We could not cope with the overflow from Commercial Road houses that now park on the hill.
4.0 Planning Policy	
4.1	<p><u>Team Manager Development Plans:</u></p> <p><u>LDP Policies:</u> SP2 Southern Strategy Area – Sustainable Growth and Regeneration.</p>

	<p>SP4 Delivering Quality Housing. SP5 Spatial Distribution of Housing Sites. SP7 Climate Change. SP10 Protection and Enhancement of the Natural Environment. DM1 New Development. DM2 Design and Placemaking. DM7 Affordable Housing. DM15 Protection and Enhancement of the Green Infrastructure. SB1 Settlement Boundaries.</p> <p>4.2 Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.</p> <p>4.3 <u>Supplementary Planning Guidance</u> Access, Car Parking and Design (March 2014) A Model Deign Guide for Wales – Residential Development (March 2005) Planning Obligations – Note 7 (September 2011)</p> <p>4.4 <u>National Planning Policy and TANs:</u> Future Wales: The National Plan 2040 Planning Policy Wales Edition 12 (February 2024) Technical Advice Note 2: Affordable Housing (June 2006) Technical advice note (TAN) 5: nature conservation and planning Technical advice note (TAN) 11: noise</p>
5.0 Planning Assessment	
5.1	<p>The main considerations in determining this application are whether the principle of residential development is acceptable (including scale parameters), the adequacy of the proposed access, and the requirement for Planning Obligations. All other matters are reserved for future consideration.</p> <p>5.2 <u>Principle of Development</u></p> <p>5.3 Future Wales: The National Plan 2040 was published on the 24th February 2021, and is therefore relevant to this application as it now forms part of the Development Plan. The specific purpose of Future Wales is to ensure the planning system at all levels is consistent with, and supports the delivery of, Welsh Government strategic aims and policies. The relevant policies in</p>

	<p>relation to this development are Policies 1 and 2. Policy 1 promotes continued growth and regeneration in the area. Policy 2 supports a rich mix of residential, commercial and community uses within close proximity to each other to create activity throughout the day and to enable people to walk and cycle rather than being reliant on travelling by car. Being mindful of the nature of the proposal and its location, the application is considered compliant with these policies.</p>
5.4	<p>Planning Policy Wales (Edition 12, February 2024) (PPW) sets out the land use planning policies that should be taken into account by local planning authorities in Wales. PPW outlines that the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, as required by the Well-being of Future Generations (Wales) Act 2015. Recycling and making the best and most effective use of previously developed, under-utilised or vacant land and buildings is a consistent theme that runs through PPW.</p>
5.5	<p>With regards to the Blaenau Gwent County Borough Council Local Development Plan (LDP) it is noted that the site is located within the settlement boundary within which development is normally permitted subject to other policies within the plan and material considerations (Policy SB1) and is not allocated for any other use.</p>
5.6	<p>Furthermore, it is noted that the principle of developing the site for residential purposes has been positively established by the granting of outline planning application C/2014/0026 on the 24th March 2017. Although the permission has expired there have been no substantial changes in policy since the determination. As such being mindful of the policies outlined above, the history of the site and the residential context of the area, it is considered that the proposal would be compatible with surrounding neighbouring land uses and the principle of developing the site for residential purposes is in accordance with national policy and LDP Policies SP2 and DM1(2) a.</p>
5.7	<p>In terms of the type of housing proposed, this is reserved for future consideration. However, the indicative plans detail the provision of 4 detached and four semi-detached properties. One of the proposed detached buildings would accommodate two, one bedroom flats with the remainder of the dwellings providing a mix of 3/ 4 bedrooms. LDP Policy SP4 requires a mix of dwelling types, sizes and tenure to create mixed and balanced communities and meet housing needs. Whilst the latest Housing Market Assessment (2019) concluded there is sufficient supply of three-bedroom properties there is an outstanding need for 1 bed and 4 bed properties. As such, on balance, it is considered that the proposed development would contribute to meeting the</p>

	housing need of the area and therefore complies with LDP Policies SP4 and SP5.
5.8	<p><u>Scale</u></p> <p>Whilst only indicative, the block plan illustrates that the site can accommodate the proposed 9 units with sufficient access, parking and amenity space. Whilst an objection has been received requesting the number of plots be reduced it is noted that 10 units were previously approved for the site, by virtue of C/2014/0026. In this instance it is considered that the number of units indicated would make efficient use of the land and would provide a density of development in keeping with the pattern and urban grain of the area.</p>
5.9	<p>Scale parameters for the dwellings have been provided which specify that the dwellings will be 2–2.5 storey in height with overall ridge heights between 8m-8.5m. Given the topography of the area, the stepped position of the site relative to the dwellings along Brynawel Terrace and Commercial Road, and the fact that the local vernacular is mixed in style, it is considered that the scale parameters are acceptable and will not have a detrimental visual impact upon the street scene. The proposal is therefore considered compliant with LDP policies DM1 (1) b (2) b and d and DM2 a.</p>
5.10	<p><u>Access</u></p> <p>As specified above, although initially reserved for future consideration, the Council have requested that matters relating to access be submitted and considered as part of the current proposal.</p>
5.11	<p>Following consultation in relation to the amended plans, the Highways Manager has confirmed that the proposed junction configuration is acceptable with the details demonstrating that a 1 in 12 gradient, vision splays and pedestrian access can be achieved. The swept path analysis has also demonstrated that a refuse vehicle could be accommodated at both the junction and turn within the onsite hammer head. The indicative plot parking and garage details are also considered acceptable and compliant with the SPG. The junction works would require the developer to enter into a Section 278 Agreement under the Highway Act 1980 to ensure all works undertaken are designed and constructed in accordance with the Council's highway design standards and are subject to a full Road Safety Audit. An informative note advising of this requirement could be added to any grant of consent.</p>
5.12	<p>Matters relating to access, parking and highway safety are a significant concern for residents who have identified that the area is subject to considerable on street parking and that the works to alter the access could result in vehicles being displaced from the hill to adjacent residential streets. It</p>

	<p>is noted that the development would provide sufficient parking for the proposed dwellings and as a result should not generate any increased on street parking demand. Whilst it is acknowledged that the development could displace vehicles further up the hill or onto Commercial Road, further to a site inspection it is noted that there are single yellow lines and parking restrictions in place along the hill, restricting permanent parking.</p>
5.13	<p>With regards to pedestrian safety, it is noted that the development would provide a new pavement that would adjoin with the existing provision.</p>
5.14	<p>To mitigate the impact of the works and application, it is recommended that conditions be imposed requiring the submission of a Construction Environmental Management Plan detailing the parking of vehicles for site operative and visitors; a Traffic Management Plan detailing traffic control measures along the hill and surrounding area for the duration of the development; that all works to the highway junction and existing and proposed retaining walls be undertaken prior to works commencing on the proposed dwellings; and that the footpath be implemented prior to occupation of any of the dwellings.</p>
5.15	<p>Whilst it is appreciated that the development will cause disruption for existing residents it is considered that the highway network has sufficient capacity to accommodate the number of vehicles generated by the development, the proposal would not increase on street parking demand and a suitable access can be achieved to serve the site and prevent the development from having a detrimental impact on the highway safety and free flow of traffic in the area. Subject to conditions recommended above, the development is considered compliant with LDP Policy DM1(3).</p>
5.16	<p><u>Ground Conditions and Retaining Wall Stability</u> It has been confirmed the site is in a low-risk coal field area. As a result, there is no requirement for the applicant to submit a coal mining risk assessment. Whilst mindful that the site previously accommodated a school, given the proposed residential use, the Council's Environmental Health Officer has requested that a land contamination condition be imposed.</p>
5.17	<p>Concerns regarding the impact of any ground works, modifications to the retaining wall and potential impacts on stability are another area of concern for residents. Based on the indicative plan submitted it is noted that all the proposed dwellings would be sited away from the retaining walls. However, construction works could lead to vibration and reverberation damage. Being mindful that this application seeks outline consent, it is recommended that conditions be imposed requiring the submission of a construction method</p>

	statement, detailing how the site will be cleared and developed, and a full structural survey of all the existing retaining walls, be submitted prior to the commencement of development. These details would form part of the reserved matters for the site and would be the subject of further public consultation.
5.18	Whilst concerns regarding the lack of maintenance is noted, any walls within the development site are the responsibility of the applicant. Any detrimental impact arising from their failure on any third-party property would be a private civil matter.
5.19	Subject to the imposition of the conditions recommended above, the application is considered compliant with LDP Policies DM1(2)i and j.
5.20	<u>Drainage</u> The plans submitted detail that foul and surface water will be discharged separately from the site. Following consultation, Dwr Cymru/ Welsh Water have confirmed that capacity exists within the public sewerage network to accommodate foul only flows from the proposal and have requested a condition requiring the submission of drainage details be imposed on any grant of consent.
5.21	As of 7th January 2020, all new dwellings are required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water, designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage. The applicant has been made aware of this requirement and will be seeking consent from the SuDS Approving Body (SAB) approval independently of the planning application. An informative note could be added to any grant of consent reminding the applicant of their duty.
5.22	Subject to conditions and informative notes, it is considered that the development would not have a detrimental impact on the drainage infrastructure of the area and is considered compliant with LDP policies DM1(2) e and f.
5.23	<u>Neighbour Amenity</u> As the application site is in a residential area there are numerous dwellings within the immediate vicinity. However, given the raised height of the site relative to the properties along Commercial Road, the offset position of the dwellings to the boundary, the screening that would be provided by the retaining wall along the eastern part of the site and the raised finished floor levels of the properties in Brynawel Terrace it is considered that the development proposed would not generate any increased overshadowing or loss of light. Being mindful that layout and design are reserved for future

	<p>consideration it is considered that properties could be designed for the site that would not have an overbearing impact or generate an unacceptable level of increased overlooking or loss of privacy.</p>
5.24	<p>In considering the impact upon neighbours, the Environmental Health Officer has recommended that a construction environmental management plan (CEMP) be secured by condition to ensure that adequate provision is made to deal with dust, noise, and construction.</p>
5.25	<p>The objectors have raised concerns with regards to increased noise generated by the construction and final use of the site. Whilst there would inevitably be disruption during development, this could be controlled by the CEMP. Given the residential context of the site, it is considered that the final use would not generate such an increased level of disruption or disturbance to warrant refusal of the application on such grounds.</p>
5.26	<p>Subject to appropriately worded conditions, the development is considered compliant with LDP Policy DM1(2) c.</p>
5.27	<p><u>Green Infrastructure and Ecology</u> Although vacant, the site has previously been cleared of all mature green infrastructure and is currently of limited ecological and green infrastructure value. Given landscaping is a reserved matter, it is considered that a scheme could be designed to provide and enhance green infrastructure connections to the benefit of the value and amenity of application site and wider area. These matters will also be secured by any SAB approval. The provision of ecological and biodiversity enhancements will need to be secured by condition and indicated as part of any future reserved matters application.</p>
5.29	<p>In accordance with Chapter 6 of PPW 12 due regard has been given to the fact that the application should be accompanied by a Green Infrastructure Statement, however given landscaping is a reserved matter and being mindful of the limited green infrastructure currently on site, this is more appropriately considered as part of any future reserved matters submission.</p>
5.30	<p>Subject to such conditions to secure ecological enhancements, the application is considered compliant with policies SP10 and DM15 of the LDP.</p>
5.31	<p><u>Planning Obligations</u> Policy DM7 of the adopted LDP requires that where there is evidence of need the Council will seek 10% affordable housing (subject to viability) on all sites that:</p> <ul style="list-style-type: none"> - Contain 10 or more dwellings; or

5.32	<ul style="list-style-type: none"> - Exceed 0.28ha in gross site area; or - Exceed the thresholds in (a) or (b) above for adjacent sites. <p>As the site has a cumulative area in excess of 0.28ha the applicant is required to make a contribution, unless they can demonstrate that the scheme is unviable. Following discussions, the agent has confirmed that the applicant is willing to contribute. Given the current scheme is outline only, a condition could be added to any grant of consent requiring the reserved matters scheme provide 10% affordable housing. In this instance, there is potential for one of the one-bedroom flats to be reserved as an affordable unit. Subject to the imposition of the condition, the application would be compliant with the requirements of policy DM7 of the LDP.</p>
6.0 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>
7.0 Conclusion and Recommendation	
7.1	<p>In conclusion the development will deliver 9 dwellings on a brownfield, windfall site which will assist in delivering the housing target under LDP policy SP5 and will also making an affordable housing contribution in compliance with LDP policy DM7</p>
7.2	<p>Based on the report above, the proposal is considered acceptable in land use terms and the scale of the dwellings would not have an unacceptable impact upon the character and appearance of the surrounding area. Subject to conditions it is considered that proposal would not have an adverse impact upon neighbouring amenity, highway safety or the green infrastructure and ecological value of the site. The proposal is therefore considered to be in compliance with the relevant policies contained within the Blaenau Gwent County Borough Council Local Development Plan and it is recommended that Planning permission be GRANTED subject to the following condition(s):</p>

	<ol style="list-style-type: none"> 1 Standard Time Limit for submission of reserved matters. 2 Condition requiring details of appearance, landscaping and layout (reserved matters) prior to development. 3 Approved Plans list. 4 Provision of 10% affordable housing. 5 Details of all existing and proposed levels to include finished floor levels of each dwelling. 6 Structural survey of all existing retaining walls 7 Full design details and structural calculations for all new retaining walls. 8 Works to all retaining walls to be undertaken prior to works commencing on any dwelling. 9 Traffic Management Plan 10 Provision of all highway and junction improvement works prior to works commencing on any dwelling. 11 Details of foul water drainage scheme for the site. 12 Standard Land contamination condition. 13 Submission of sections, walls, fences and other enclosures and minor structures. 14 Ecological Enhancement Plan. 15 Construction and environmental management plan detailing, but not limited to means of noise and dust mitigation and construction hours prior to commencement of the development. 16 Construction Method Statement detailing method of site clearance and construction. 17 Ecological enhancement <p>Informative notes:</p> <ol style="list-style-type: none"> 1 Development in compliance with the Council’s ‘Access, Car parking and Design’ SPG. 2 Requirement to enter into a Section 278 Agreement under the Highway Act 1980. 3 SAB
8.0 Risk Implications	
8.1	None.

Report Date:

Report Author:

BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning
Report Subject	Appeals, Consultations and DNS Update March 2024
Report Author	Service Manager Development & Estates
Report Date	23 February 2024
Directorate	Regeneration & Community Services
Date of meeting	7th March 2024

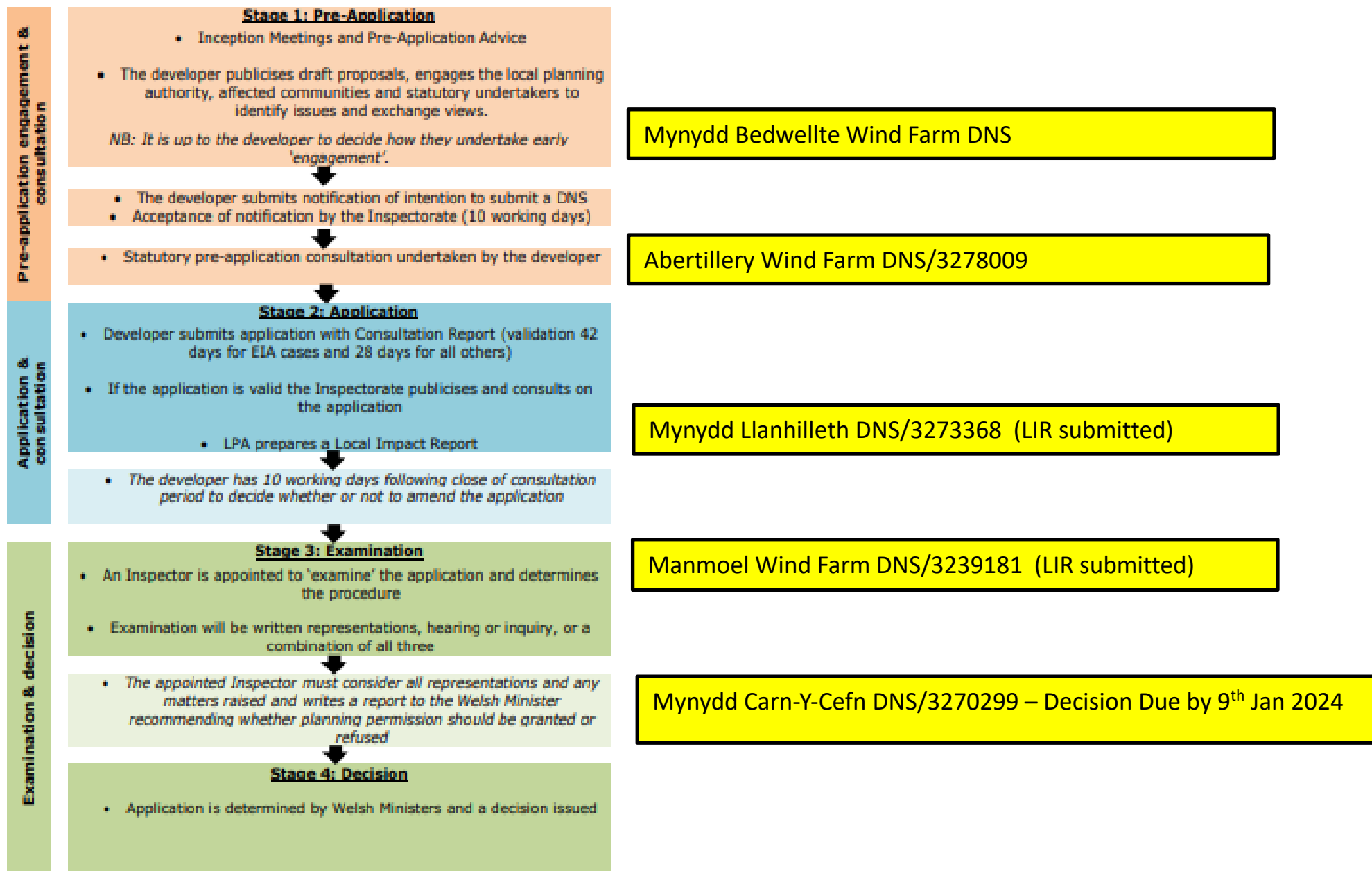
1.0	Purpose of Report
1.1	To update Members in relation to planning appeals, live DNS cases and status update of anticipated DNS schemes.
2.0	Present Position
2.1	The attached list covers the “live” planning appeals and Development of National Significance (DNS) caseload. It also provides information of the status of anticipated DNS schemes.
3.0	Recommendation/s for Consideration
3.1	That the report be noted.

	Application No Appeal Reference Case Officer	Site Address	Development	Type Procedure	Sit Rep
1	CAS-02310-J7Y5T0 (C21/082) Paul Samuel	Underhill, Hawthorn Road, Ebbw Vale, NP23 5HS	Unauthorised raised decking and timber building	Enforcement Appeal Hearing	LPA written statement submitted to PEDW
2	CAS-02311-Z4L0N4 (C21/082) Paul Samuel	Underhill, Hawthorn Road, Ebbw Vale, NP23 5HS	Unauthorised change of use of land	Enforcement Appeal Written Reps	LPA written statement submitted to PEDW
3	CAS-02445-W7P8Q6 Paul Samuel	Glyn Millwr, Stones Houses, NP13 3AA	Unauthorised change of use of land to a residential travellers site including the siting of caravans and associated vehicles	Enforcement Appeal Written Reps	LPA written statement submitted to PEDW
4	CAS-03113-T1K7P0 Joanne Clare	27 Cwm Road, Waunlwyd, Ebbw Vale NP23 6TR	Refusal of Advertisement Consent under application C/2023/0144	Advertisement Appeal Written Reps	Appeal allowed See attached Report
5	CAS-03020-K5G8C8 Paul Samuel	Brooklyn House, Dukestown Road, Tredegar, NP22 4QG	Unauthorised raised decking erected within Flood Risk Zone C2	Enforcement Appeal Written Reps	LPA questionnaire and information submitted. Written statement to be submitted by 20.02.2024
6	CAS-02964-LP0P1L0 Paul Samuel	27 York Avenue, Garden City, Ebbw Vale,	Unauthorised change of use of land outside the settlement boundary	Enforcement Appeal Written Reps	LPA questionnaire and information submitted.

Report Date:
Report Author:

7	CAS-03230-F0X7W7 Paul Samuel	27 York Avenue, Garden City, Ebbw Vale,	Unauthorised structures erected on land outside the settlement boundary	Enforcement Appeal Written Reps	LPA questionnaire and information submitted.
8	CAS-03157-L6P6B0 Paul Samuel	Springfield Cottage (Plot 2), Queen Victoria Street, Tredegar, NP22 3QA	Unauthorised dwelling (access not implemented)	Enforcement Appeal	Appeal commencement date received 20 th Feb 2024. LPA questionnaire and information to be submitted.
	CAS-03208-F4F4F3 Sophie Godfrey	35 Pant Y Fforest, Ebbw Vale	Proposed front and rear garage extension	Householder Appeal Written Reps	LPA questionnaire and information submitted to PEDW.

Developments of National Significance (DNS) – Status Update



BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning
Report Subject	Planning Appeal Update: Advertising board on the hable end of 27 Cwm Road, Waunlwyd, Ebbw Vale, NP23 6TR.
Report Author	Joanne Clare
Directorate	Regeneration and Community Services
Date of meeting	March 2024

1. Purpose of Report

- 1.1 To advise Members of the decision of the Planning Environment and Decisions Wales (PEDW) in respect of a planning appeal against the refusal of planning permission (Ref: C/2023/0144). The development was for the installation of a digital advertisement hoarding to display static advertisements on rotation.
- 1.2 The application was refused by the case officer under delegated powers on 31st October 2023.

2.0 Scope of the Report

- 2.1 The application was refused on the grounds that it is considered that the advertisement due to its siting, digital illumination and frequency of sequencing would be distracting to road users and therefore detrimental to highway safety.
- 2.2 The Inspector determined that the main issue was the effect of the proposed advertisement upon public safety, with particular regard to the safe use and operation of the highway.

- 2.3 The appeal site relates to a two storey southern flank wall end of an end of terrace house, positioned adjacent to a single lane, straight section of the A4046 with street lighting on both sides of the road. The speed limit on the A4046 reduces from 40mph to 30mph in the approach to the appeal site.
- 2.4 The Inspector noted that owing to its position on a long straight section of the A4046, the advertisement would be visible for some distance when travelling northbound, at a time when drivers would be slowing down due to the reduction in the speed limit in the approach to the appeal site. The Inspector stated that given the good forward visibility of the road and the reduction in the speed limit, drivers would have sufficient advance warning of vehicles slowing down or waiting to turn into the junctions of Cemetery Road and Brynhyfryd Terrace, and those stopping at the signalised pedestrian crossing. The Inspector also pointed out that as the signalised pedestrian crossing is located some distance beyond the appeal proposal, drivers would have sufficient time to take in the content of the advertisement in the approach to the signalised crossing.
- 2.5 The Inspector noted the appellant's evidence of no accident records in the vicinity of the appeal site in the last 5 years and concluded that in the absence of evidence to the contrary and based on their observations on site, the advertisement would not be located within an area of any particular highway complexity.
- 2.6 The Inspector also noted that conditions could be imposed to limit the speed of rotation of images at all times and level of illuminance during the hours of darkness when the illumination would be most apparent such that it would not cause undue distraction to road users.
- 2.7 In conclusion, the Inspector was of the view that whilst the advert would attract attention momentarily, drivers approaching the appeal site would have sufficient time to absorb the advertisement in advance of the junctions and pedestrian crossing and react appropriately, despite the rotating images and illuminance of the proposal. Consequently, the advertisement would not cause such a distraction to drivers that it would affect the safe use and operation of the highway.
- 2.6 The Inspector accordingly ALLOWED the appeal.

3. Recommendation/s for Consideration

3.1 That Members note for information the appeal decision for planning application C/2023/0144 as attached at **Appendix A**.

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Appeal Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 02/02/2024

Appeal reference: CAS-03113-T1K7P0

Site address: Advertising board on the gable end of 27 Cwm Road, Waunlwyd, Ebbw Vale, NP23 6TR

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
 - The appeal is made by Wildstone Group Limited against the decision of Blaenau Gwent County Borough Council.
 - The application Ref C/2023/0144, dated 22 June 2023, was refused by notice dated 31 October 2023.
 - The advertisement proposed is the installation of a digital advertisement hoarding to display static advertisements on rotation.
 - A site visit was made on 17 January 2024.
-

Decision

1. The appeal is allowed and express consent is granted for the installation of a digital advertisement hoarding to display static advertisements on rotation as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages / advertisements being displayed.

Reason: In the interests of public safety.
 - 2) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display shall include a mechanism to default to a blank or black screen in the event of malfunction or if the advertisement is not in use.

Reason: In the interests of public safety.
 - 3) No individual advertisement displayed on the panel shall contain moving images, animation, video or full motion images.

Reason: In the interests of public safety.
 - 4) In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m² in accordance with the recommended maximum night

time luminance value set out for Environmental Zone 4 in Table 10.4 within the Institution of Lighting Professionals -Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².

Reason: In the interests of public safety.

Procedural Matter

2. The Council has referred to policies from the Blaenau Gwent County Borough Council Local Development Plan. However, the powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The LDP policies are therefore not, by themselves, decisive factors and I have taken these into account only insofar as they are a material consideration.

Main Issue

3. This is the effect of the proposed advertisement upon public safety, with particular regard to the safe use and operation of the highway.

Reasons

4. The appeal site relates to a two storey southern flank wall of an end terrace house, positioned adjacent to a single lane, straight section of the A4046 with street lighting on both sides of the road. The speed limit on the A4046 reduces from 40mph to 30mph in the approach to the appeal site. I observed that the A4046 had a regular flow of traffic in both directions, however, I saw that Cemetery Road and Brynhyfryd Terrace, which have junctions onto the A4046, and the segregated section of Cwm Road providing access to the terrace of houses, were more lightly trafficked and have a speed limit of 20 mph. To the north of the site is a signalised pedestrian crossing. Other than the existing unilluminated poster board, the area in the immediate vicinity of the site is largely free from the clutter of advertisements and has limited directional road signage.
5. Welsh Government's Technical Advice Note 7 indicates that in assessing an advertisement's impact on public safety, regard should be had to its effect upon the safe use and operation of any form of traffic or transport on land, including the likely behaviour of vehicle drivers who will see the advertisement.
6. Owing to its position on a long straight section of the A4046, the advertisement would be visible for some distance when travelling northbound, at a time when drivers would be slowing down due to the reduction in the speed limit in the approach to the appeal site. Given the good forward visibility of the road and the reduction in the speed limit, drivers would have sufficient advance warning of vehicles slowing down or waiting to turn into the junctions of Cemetery Road and Brynhyfryd Terrace, and those stopping at the signalised pedestrian crossing. As the signalised pedestrian crossing is located some distance beyond the appeal proposal, drivers would have sufficient time to take in the content of the advertisement in the approach to the signalised crossing. I note the appellant's evidence of no accident records in the vicinity of the appeal site in the last 5 years. In the absence of any evidence to the contrary, and from my observations on site, the advertisement would not be located within an area of any particular highway complexity.
7. Conditions could be imposed to limit the speed of rotation of images at all times and level of illuminance during the hours of darkness when the illumination would be most apparent such that it would not cause undue distraction to road users. For this reason and having regard to the characteristics of the highway that I have identified above, whilst

the advert would attract their attention momentarily, drivers approaching the appeal site would have sufficient time to absorb the advertisement in advance of the junctions and pedestrian crossing and react appropriately, despite the rotating images and illuminance of the proposal. Consequently, the advertisement would not cause such a distraction to drivers that it would affect the safe use and operation of the highway.

8. For the reasons above, I conclude that the proposed advertisement would not cause any significant harm to public safety.

Conditions

9. A condition requiring development to be carried out in accordance with the approved plans is unnecessary as the decision grants express consent, not planning permission. The standard condition in the Regulations state that consents are given for five years and therefore it is not necessary to impose a separate condition. I have not imposed the conditions suggested in relation to the condition, maintenance, siting and landownership of the advertisement as these are also addressed by the standard conditions in the Regulations.
10. Conditions to control the speed of the rotation of images is necessary in the interest of public safety. However, whilst it is necessary to control illuminance during the hours of darkness, given my findings and subject to the use of the condition to control the speed of the rotation of images, a condition to control daylight luminance would be unnecessary. A condition to control images that resemble road traffic signs, lights or matrix signs would be unnecessary given the acceptable impacts to highway safety. I have made minor amendments to the wording of some of the Council's and appellant's suggested conditions to align with the advice in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management', in the interest of preciseness.

Conclusion

11. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.
12. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

H Smith

INSPECTOR

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BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	Chair & Members of Planning Committee
Report Subject	Quarterly Performance Information
Report Author	Service Manager Development & Estates
Directorate	Regeneration and Community Services
Date of Meeting	March 2024
Key Words	Performance Management Speed and quality of decision making Welsh Government Performance Monitoring

1.0 Background

- 1.1 Every local planning authority in Wales is required to collect performance information regarding the speed and quality of decision making on all types of planning and related applications. This is submitted to Welsh Government on a quarterly basis.
- 1.2 Welsh Government publishes this data on its [website](#). It is a useful source of comparative information where the Council can not only scrutinise its own performance, but benchmark the data against the 24 other Local Planning authorities (22 unitary authorities and 3 National Parks)
- 1.3 It is usual practise to present a report to Planning Committee to update Members on the most recent performance in the form of a league table. This report deals with Quarter 2 of 2023/24 i.e. July to September 2023.

2.0 Content of the Report

- 2.1 This report will examine three indicators:
- 2.2
 - i. Applications determined in time - This is defined as within the 8-week target period or longer time that may be agreed with the applicant/agent.
 - ii. Time Taken – the average time (in days) taken to determine all applications.
 - iii. Quality of decision making – decisions taken by Planning Committee that are contrary to the recommendation of its officers.

3.0 Performance Information

- 3.1 The latest data WG has published was on 15th December 2023 and covered Quarter 2, this being July to September 2023.
- 3.2 i. BG decided **97%** of applications “in time”. This compared to an all-Wales average of 86%.
- 3.3 The trend for BGCBC over the preceding quarters was 95%, 90%, 97% and now 97% again. This is consistently above the all-Wales average in each quarter respectively which was typically in the low to mid 80 percentile range.
- 3.4 ii. On average, it took **105 days** to decide each application against an all-Wales average of 110 days.
- 3.5 In the preceding quarters to this one, the returns were 73, 84, 95 and now 105 days. In each of the quarters, this was well above the Wales average which fluctuated between 102 days at best and 123 days at worst.
- 3.6 iii. **0%** of applications in this quarter decided by Planning Committee were contrary to officer recommendation. The Wales average was 7%.
- 3.7 This compares to returns of 17%, 0%, 0% and 0% in the previous 4 quarters. With the exception of the 17% return, all of these were better than the all-Wales average.

4.0 Evaluation of Performance and Conclusions

- 4.1 Members should recognise that these performance figures represent a snapshot of performance for the given quarter and in this case are 6 months old. There was a delay in publishing the figures and the data could not be brought to Members attention until now. February 2024 Planning Committee received the data for the quarter before this one reported at the March 2024 meeting.
- 4.2 The performance tables confirm our performance is relatively stable in terms of trends over the past year and given capacity (particularly given the DNS workload) is satisfactory. Nevertheless, we continue to identify areas where we can improve.
- 4.3 The return for the average number of days to decide each application is showing a negative upward trend but the reason for this (due to a seconded planning officer) has previously been reported to Planning Committee.

5.0 Recommendation

- 5.1 No decision is required.
- 5.2 Planning Committee is invited to scrutinise the performance returns and officers will address any issues or questions at the meeting.

Table 1

WG Quarterly DM Survey: Q1 23/24
July to September 2023
Percentage of Planning Applications Determined “On Time”
(Ranked in Order of Performance)

Welsh Local Planning Authority		Percentage of All Applications Determined On Time
1	Caerphilly	98
	Pembrokeshire	98
3	Blaenau Gwent	97
4=	Neath Port Talbot	96
	Swansea	96
6	Vale of Glamorgan	95
7	Isle of Anglesey	94
8	Torfaen	92
9=	Brecon Beacons/Bannau Brycheiniog National Park	91
	Monmouthshire	91
11=	Denbighshire	88
	Newport	88
13	Carmarthenshire	87
14=	Gwynedd	85
	Powys	85
16	Ceredigion	84
17	Conwy	83
18=	Merthyr Tydfil	82
	Rhondda Cynon Taff	82
20	Wrexham	78
21	Cardiff	75
22	Pembrokeshire Coast National Park Authority	73
23	Bridgend	65
24	Snowdonia National Park Authority	50
25	Flintshire	--
WALES AVERAGE		86 %

Table 2

WG Quarterly DM Survey: Q1 23/24
July to September 2023
Average Time to Decide Applications in Days
(Ranked in Order of Performance)

Welsh Local Planning Authority		Average No. of Days Taken to Decide Each Application
1	Merthyr Tydfil	65
2	Caerphilly	66
3	Rhondda Cynon Taff	74
4	Isle of Anglesey	81
5	Newport	83
6	Bridgend	84
7	Swansea	90
8	Pembrokeshire	91
9	Conwy	92
10	Cardiff	94
11	Gwynedd	96
12	Neath Port Talbot	98
13	Monmouthshire	100
14	Denbighshire	103
15	Blaenau Gwent	105
16	Vale of Glamorgan	106
17	Snowdonia National Park Authority	114
18	Pembrokeshire Coast National Park Authority	123
19	Carmarthenshire	141
20	Powys	154
21	Torfaen	158
22	Ceredigion	166
23	Brecon Beacons/Bannau Brycheiniog National Park	173
24	Wrexham	179
25	Flintshire	--
WALES AVERAGE		110 Days

Table 3

WG Quarterly DM Survey: Q1 23/24
July to September 2023
Decisions Contrary to Officer Recommendation
(Ranked in Order of Performance)

Welsh Local Planning Authority		% of Planning Committee Decisions Contrary to Officer Recommendation
1=	Blaenau Gwent	0
	Bridgend	0
	Brecon Beacons/Bannau Brycheiniog National Park	0
	Caerphilly	0
	Cardiff	0
	Denbighshire	0
	Gwynedd	0
	Merthyr Tydfil	0
	Monmouthshire	0
	Neath Port Talbot	0
	Newport	0
	Pembrokeshire Coast National Park Authority	0
	Powys	0
	Snowdonia National Park Authority	0
	Swansea	0
	Torfaen	0
	Vale of Glamorgan	0
	Wrexham	0
19	Isle of Anglesey	6
20	Carmarthenshire	7
21	Rhondda Cynon Taff	12
22	Pembrokeshire	15
23	Ceredigion	27
24	Conwy	33
25	Flintshire	--
Wales Average		7 %

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Agenda Item 8

Report Date: 22nd February 2024

Report Author:

BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning, Regulatory and General Licensing
Report Subject	List of applications decided under delegated powers between 29th January 2024 and 21st February 2024
Report Author	Business Support Officer
Report Date	22nd February 2024
Directorate	Regeneration & Community Services
Date of meeting	7th March 2024

1.0 Purpose of Report

1.1 To report decisions taken under delegated powers.

2.0 Scope of the Report

2.1 The attached list deals with the period 29th January 2024 and 21st February 2024

3.0 Recommendation/s for Consideration

3.1 The report lists decisions that have already been made and is for information only.

Application No.	Address	Description	Valid Date Decision Date
C/2023/0169	PAVILION CWMNANTYGROES SIX BELLS ABERTILLERY	Reinforced concrete base with a pre fabricated 150 seater stand adjacent to the existing stand.	11/12/23 12/02/24 Approved
C/2024/0011	31 ALEXANDRA PLACE SIRHOWY TREDEGAR	Proposed garage extension.	10/01/24 20/02/24 Approved
C/2024/0027	REGAIN BUILDING & BASEMENT GARDEN MILL LANE VICTORIA EBBW VALE	Application for Discharge of Condition 10 (details of electric car charging points) of planning permission C/2020/0027 (Two storey building (B1 use) linked to Regain building with associated infilling of basement garden, access, parking and other infrastructure, and additional parking areas and service areas to Regain building).	31/01/24 06/02/24 Condition Discharged
C/2023/0220	PLAYGROUND AND LAND ADJACENT TO CHARTIST WAY TREDEGAR	Application for Discharge of Condition 13 (Landscape details) of planning permission C/2022/0103 (Proposed new welsh medium primary school, incorporating a new drop-off area facility, staff parking, bus turning including a multi-use games area, and relocation of the existing playground).	16/10/23 09/02/24 Condition Discharged

C/2023/0227	MOORLANDS STOCKTON WAY TREDEGAR	2 no. dormers to front elevation, covered patio area with front gable, external alterations to bungalow and replacement garage to rear garden.	26/10/23 29/01/24 Approved
C/2023/0264	53 HIGHLANDS ROAD BEAUFORT EBBW VALE	Two storey rear extension and single storey rear extension.	19/12/23 07/02/24 Approved
C/2023/0224	7 THE CRESCENT EBBW VALE	Proposed single storey side extension to provide sun room, roof dormer to allow improved access to roof space and raised patio area.	18/10/23 08/02/24 Approved
C/2023/0249	GARNLYDAN FLYING START HUB COMMONWEALTH ROAD GARNLYDAN	Creation of new access road to existing car park.	01/12/23 14/02/24 Approved
C/2024/0003	BRYN BACH PARK MERTHYR ROAD TAFARNAUBACH TREDEGAR	Erection of memorial gates relocated from Tredegar town including new brick pillars and to include new paths from existing site road with hardstanding to allow viewing of commemorative plaques attached to gates and pillars.	03/01/24 02/02/24 Approved

C/2024/0014	GLYN GARAGE GLYN TERRACE TREDEGAR	Application for prior notification of proposed demolition of garage.	16/01/24 08/02/24 Prior Approval Required
C/2023/0267	TREDEGAR GENERAL HOSPITAL, TREDEGAR HEALTH CENTRE & BEDWELLY PARK PARK ROW TREDEGAR	Application for Discharge of Condition 12 (Verification Report) of planning permission C/2020/0037 (Variation of condition 1 and removal of condition 8 of outline planning permission C/2019/0237 (demolition of Tredegar Health Centre, partial demolition of Tredegar General Hospital and erection of a new class d1 health and wellbeing centre including revised access, car parking, landscaping and ancillary works) to allow revised bat mitigation strategy).	19/12/23 20/02/24 Condition Discharged
C/2024/0009	CARREG GLAS NANT-Y-CROFT RASSAU ROAD RASSAU EBBW VALE	Application for Non-material amendment of planning permission C/2019/0050 (Construction of dormer bungalow) for alterations to vehicular access and boundary treatments.	10/01/24 30/01/24 Approved
C/2024/0001	58 SOMERSET STREET ABERTILLERY	Application for variation of condition 2 to extend timescale for commencement of development for a further 12 month of planning permission C/2018/0345 (Conversion of 58 Somerset Street to 2no. flats, new rear roof and alterations to front elevation).	03/01/24 07/02/24 Approved

C/2024/0023	PLOT 2 MOUNTAIN VIEW CWM EBBW VALE	Application for Non-material amendment of planning permission C/2023/0186 (Application to vary Condition 2 - revised plans for plot 2 of planning permission C/2022/0077 (Construction of four detached houses with associated landscaping and parking)) to increase size of rear balcony.	23/01/24 19/02/24 Approved
C/2024/0022	FORMER QUARRY ADJACENT GRAIG HOUSE NANTYCROFT RASSAU ROAD RASSAU EBBW VALE	Application for Non-material amendment of planning permission C/2021/0366 (Submission of Reserved Matters for approval in relation to layout (47 no. units), appearance, scale, landscaping and associated works pursuant to outline planning permission C/2018/0205) for the installation of balconies and privacy screens at Plots 21 & 23.	23/01/24 19/02/24 Approved
C/2023/0222	LAND EAST OF YSTRUTH PRIMARY SCHOOL EAST PENTWYN BLAINA	To widen the existing footpaths to create a shared use Active Travel route including street lighting, fencing and hedgerows and any other works.	06/11/23 09/02/24 Approved
C/2023/0242	FESTIVAL PARK FESTIVAL PARK SHOPPING CENTRE VICTORIA EBBW VALE	Application for Discharge of Conditions 4 (Asbestos report) and 5 (Land contamination report) of planning permission C/2022/0182 (Change of use of former shopping mall into a mixed use business centre comprising Use Classes A, B and D, including remodelling of the existing buildings (and some demolition) together with changes to the internal paths and yards and other associated works).	10/01/24 29/01/24 split decision

C/2024/0010	LAND AT CEMETERY ROAD EBBW VALE	Application for Discharge of Condition 8 (Highway improvements to junction) of planning permission C/2022/0123 (Version 4 - Construction of 13 no. self-build houses, with associated external works).	11/01/24 01/02/24 Condition Discharged
C/2023/0223	29 MARINE STREET CWM EBBW VALE	Change of use of property to 2no. Flats, First floor rear extension & external alterations.	16/01/24 29/01/24 Approved
C/2024/0008	18 CLOS TREHELYG WILLOWTOWN EBBW VALE	Proposed single storey rear house extension and front porch.	08/01/24 15/02/24 Approved
C/2023/0258	QUEEN STREET PRIMARY SCHOOL QUEEN STREET ABERTILLERY	Change of use from a former (vacant) primary school to provide assisted living/residential care facility (use class C2): and associated works to provide enhanced access.	13/12/23 06/02/24 Approved
C/2023/0269	29 TYLERI GARDENS VICTOR ROAD CWMTILLERY ABERTILLERY	First floor side extension over garage and rear single storey extension.	21/12/23 30/01/24 Approved

C/2024/0012	4 GWASTAD FARM CWMTILLERY ABERTILLERY	Retention of storage shed with solar panels.	12/01/24 13/02/24 Refused
C/2024/0006	23 TYLERI GARDENS VICTOR ROAD CWMTILLERY ABERTILLERY	Retention of an outbuilding.	09/01/24 20/02/24 Refused
C/2023/0245	LAND OFF HALL STREET VICTORIA EBBW VALE	Proposed construction of detached house with associated external works.	24/11/23 31/01/24 Refused
C/2023/0209	VACANT PLOT NORTH & EAST RASSAU IND EST RASSAU EBBW VALE	Application to vary condition 3 (approved plans & documents) and remove condition 33 (great crested newts) of planning permission C/2021/0278 (Construction and operation of a purpose-built glass manufacturing facility, and associated development).	04/10/23 01/02/24 Approved
C/2023/0265	BLAINA INTEGRATED CHILDRENS CENTRE HIGH STREET BLAINA	The demolition of the existing demountable classroom and existing landscaping strip and the construction of two single storey extensions, internal remodeling and new landscaping and car parking area. Inclusion of PV panels to be installed on the roofs, change of use of land and 2No. canopies.	20/12/23 09/02/24 Approved

C/2023/0234	5 BLAEN CENDL BEAUFORT EBBW VALE	Creation of additional accommodation in the attic by increasing the roof height and installing glazed openings with juliet balconies to rear elevation.	07/11/23 01/02/24 Approved
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BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	Chair & Members of Planning Committee
Report Subject	Court Prosecution: 44 Bryn Coch, Ebbw Vale
Report Author	Enforcement Officer – Paul Samuel
Date of Meeting	7th March 2024
Directorate	Regeneration and Community Services

1. Purpose of the report

To advise Members of a successful prosecution for non-compliance with an Enforcement Notice.

2. Scope and Background

1. For information purposes below is a brief chronology of the case:

- A complaint was received that a timber lean-to structure had been erected in the rear garden of 44 Bryn Coch, Ebbw Vale. A site visit revealed that the structure had been affixed to an existing boundary and over an existing garage in the rear garden of the property. By virtue of the fact it measured over 2.5m in height (approximately 3.2m) within 2m of the boundary its retention required planning permission.



- By virtue of the design and materials, the structure gives rise to an unacceptable visual impact upon the amenity of neighbouring properties and the street scene of Bryn Coch and is considered unacceptable.
- A letter was sent to the owner, Mr Pitman, advising him of the breach of planning control and outlining his options to regularise the matter.

- No response was received to the letter, so a Planning Contravention Notice was served on Mr Pitman.
- Mr Pitman responded to the PCN by arguing the case and claiming the structure does not require planning permission. It was explained to Mr Pitman why the structure requires planning permission and it was requested that the structure is removed due to its unacceptable visual appearance. Mr Pitman was advised that should he not remove the structure, it was the intention of the Local Planning Authority (LPA) to serve an enforcement notice to seek its removal.
- Mr Pitman ignored the requests of the LPA and the structure remained in place. Consequently, an Enforcement Notice (EN) was served on 12th April 2022 requiring the structure to be removed in its entirety within 4 weeks of the date the notice took effect.
- No appeal was submitted against the EN and the structure remained in place beyond the compliance date. As a result, the EN was not complied with.
- Mr Pitman ignored numerous requests to comply with the EN.
- Therefore, legal proceedings were instigated, witness statements prepared and the information laid before the Magistrates Court to seek a prosecution for non-compliance with the EN.
- Mr Pitman pleaded not guilty at the plea hearing, contesting the merits of the case, arguing that the structure does not require planning permission, claiming he had a legitimate case to argue and a number of professional experts and witnesses to support his case.
- As a result, the Magistrate listed the matter for a full day's trial to be held at Newport Magistrates Court on 13th December 2023 before a District Judge whereby witnesses would be called upon to give evidence on oath.
- Prior to the trial, a case management hearing was listed for 15th September 2023 whereby further evidence was provided by the LPA and prosecution. Mr Pitman failed to attend the hearing claiming to be of ill health and unable to attend. The District Judge issued instructions that should Mr Pitman be declared unfit to attend the trial, then a full medical report is required to give an explanation as to why his symptoms prevent him from proceeding in the trial.
- Further witness statements and evidence were prepared as requested by the court by the Enforcement Officer and prosecution to support the LPA's case in preparation for the trial.
- The Enforcement Officer, Planning Control Manager and Solicitor attended the trial date on the morning of 13th December 2023. Mr Pitman failed to attend the trial and moments prior to the trial commencing, Mr Pitman's son submitted an email to the Solicitor on his

father's behalf claiming Mr Pitman was too unwell to attend Court but failed to provide a full medical report.

- As a result, the trial was adjourned, and a further hearing listed for 18th January 2024 whereby the matter would be dealt with based on the information before the Court should Mr Pitman fail to attend again.
- Mr Pitman failed to attend the hearing on 18th January 2024. However, the matter proceeded in his absence and the District Judge found that Mr Pitman failed to comply with the EN and therefore sentenced to the following:
 - Fine - £1000
 - Victim Surcharge - £100
 - Costs - £1304.62
 - Total - £2404.62 to be paid within 28 days.
- To date, the structure remains in place and the EN still not complied with. Therefore, the LPA will be awaiting instruction from the Court regarding the outstanding fee to be paid and considering its next steps in due course.

3. Conclusion

That Members note the decision of the Magistrates Court. Members will be updated with further progress of the case in due course.

By virtue of paragraph(s) 12 of Part 1 of Schedule 12A of the Local Government Act 1972.

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