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Contact:/Cysylltwch â: Democratic Services



**THIS IS A MEETING WHICH THE PUBLIC ARE ENTITLED TO ATTEND**

25th February 2022

Dear Sir/Madam

**PLANNING, REGULATORY & GENERAL LICENSING COMMITTEE**

A meeting of the Planning, Regulatory & General Licensing Committee will be a Hybrid Meeting held Via MS Teams and in the Abraham Derby Room at the General Offices, Ebbw Vale (*if you would like to attend this meeting live via Microsoft Teams please contact [committee.services@blaenau-gwent.gov.uk](mailto:committee.services@blaenau-gwent.gov.uk) on Thursday, 3rd March, 2022 at 2.00 pm.*

Yours faithfully

Michelle Morris  
Managing Director

**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.

We welcome correspondence in the medium of Welsh or English. / Croesawn ohebiaith trwy gyfrwng y Gymraeg neu'r Saesneg.

2. **APOLOGIES**
- To receive.
3. **DECLARATIONS OF INTEREST AND DISPENSATIONS**
- To consider any declarations of interest and dispensations made.
4. **PLANNING APPLICATIONS REPORT** 5 - 44
- To consider the report of the Team Manager Development Management.
5. **APPLICATION: C/2021/0253 PREMIER CLUB, WILLIAM STREET, CWM, EBBW VALE** 45 - 50
- To consider the report of the Planning Officer.
6. **APPEALS, CONSULTATIONS AND DNS UPDATE MARCH 2022** 51 - 52
- To consider the report of the Service Manager Development and Estates.
7. **PLANNING APPEAL UPDATE AND APPEAL DECISION: LAND ADJOINING COED CAE FARM HOUSE, RASSAU, EBBW VALE** 53 - 62
- To consider the report of the Planning Officer.
8. **LIST OF APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 24<sup>TH</sup> JANUARY, 2022 AND 16<sup>TH</sup> FEBRUARY, 2022** 63 - 68
- To consider the report of the Senior Business Support Officer.

## **EXEMPT ITEM**

To receive and consider the following report which in the opinion of the proper officer is 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).

9. **ENFORCEMENT CLOSED CASES BETWEEN** 69 - 72  
**10<sup>TH</sup> DECEMBER, 2021 AND 10<sup>TH</sup> FEBRUARY, 2022**

To consider the report of the Service Manager Development.

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To: Councillor D. Hancock (Chair)  
Councillor W. Hodgins (Vice-Chair)  
Councillor D. Bevan  
Councillor G. L. Davies  
Councillor M. Day  
Councillor J. Hill  
Councillor C. Meredith  
Councillor K. Pritchard  
Councillor K. Rowson  
Councillor T. Smith  
Councillor B. Thomas  
Councillor G. Thomas  
Councillor D. Wilkshire  
Councillor B. Willis  
Councillor L. Winnett

All other Members (for information)  
Manager Director  
Chief Officers

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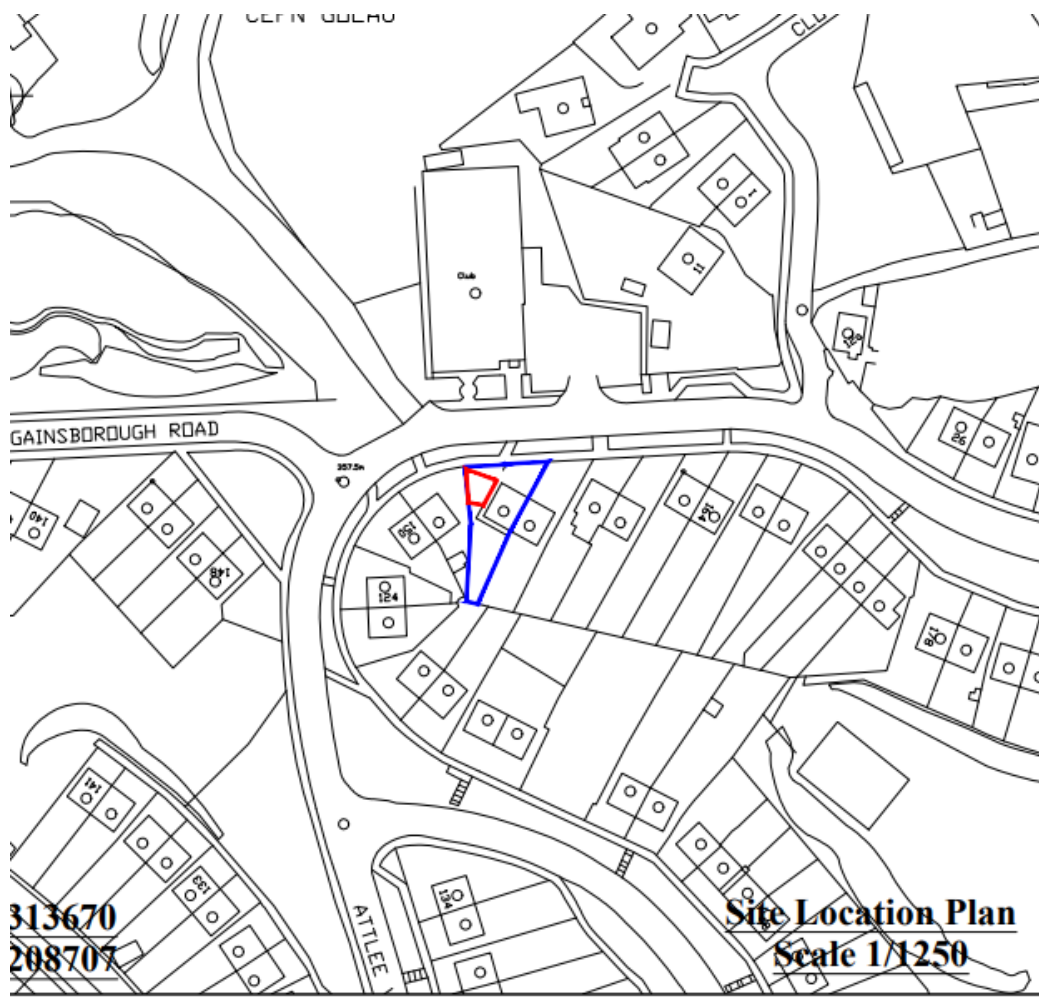
<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	<b>The Chair and Members of Planning, Regulatory and General Licensing</b>
<b>Report Subject</b>	<b>Planning Applications Report</b>
<b>Report Author</b>	<b>Team Manager Development Management</b>
<b>Report Date</b>	<b>18<sup>th</sup> February 2022</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>3<sup>rd</sup> March 2022</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/2021/0372	154 Gainsborough Road, Cefn Golau Tredegar NP22 3TL
C/2021/0386	Land to Southern end of Lime Avenue, Ebbw Vale NP23 6GL
<b>3. Recommendation/s for Consideration</b>	
Please refer to individual reports	

## Planning Report

<b>Application No:</b> C/2021/0372	<b>App Type:</b> Resubmission
<b>Applicant:</b> Mrs Bernadette Walters 154 Gainsborough Road Tredegar NP22 3TL	<b>Agent:</b>
<b>Site Address:</b> 154 Gainsborough Road, Cefn Golau Tredegar NP22 3TL	
<b>Development:</b> Proposed shed.	
<b>Case Officer:</b> Jane Engel	



**Figure 1**

## 1. Background, Development and Site Context

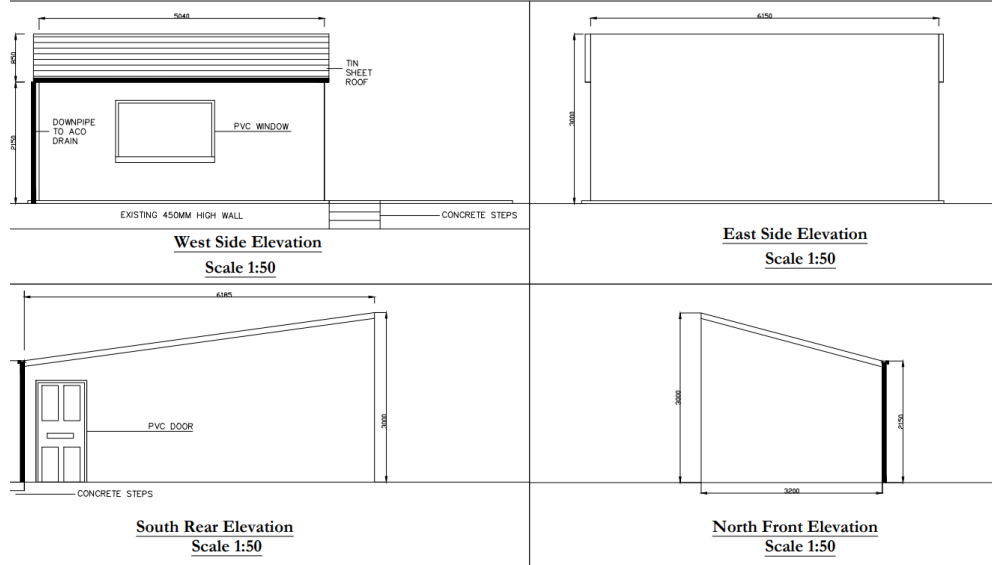
- 1.1 This application seeks permission for the construction of a shed to the side of 154 Gainsborough Road, Tredegar.
- 1.2 The property is one of a pair of semi-detached properties which fronts onto Gainsborough Road. The property is sited at an angle to the road with a garden which wraps around 3 sides of the house.
- 1.3 The proposed shed would be located within the side garden. Although sited to the side of the house the configuration of the garden is such that it projects towards the front boundary of the garden.



Figure 2

Application Site

- 1.4 The shed is irregularly shaped and measures 6.2m at its widest point reducing to 3.2m x 6.15m at its deepest point reducing to 5.04m and 3m high (reducing to 2.15m to eaves).



**Figure 3**

1.5

The garden area on which it is proposed to construct the shed is approximately 45cm above the ground level of the house but slightly lower than the level of the footpath fronting the site. There is an existing brick wall along the frontage and a timber fence between the application site and the neighbouring property.

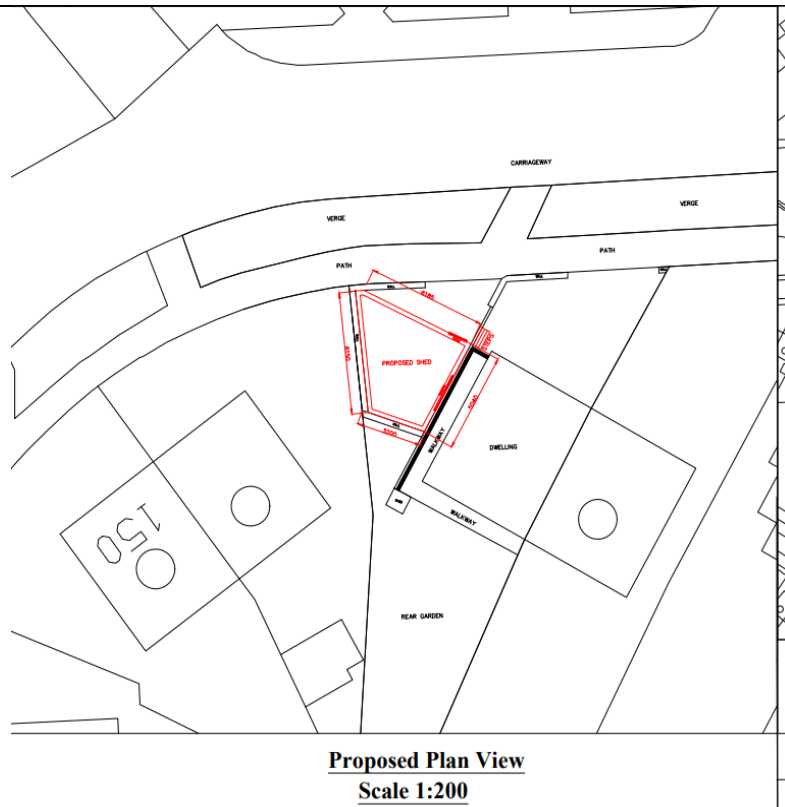


**Figure 4**



1.6	The plans indicate that the shed will be constructed of block work and be clad in timber and have a tin sheet roof.		
1.7	The application is a resubmission following refusal of planning application C/2021/0212. This earlier application proposed a shed which was forward of the building line of the house.		
<b>2. Site History</b>			
	Ref No	Details	Decision
2.1	C/2021/0212	Shed	Refused 14/09/2021
<b>3. Consultation and Other Relevant Information</b>			
3.1	<b><u>External Consultation Responses</u></b>		
3.2	<u>Town / Community Council:</u> No objections		
3.3	<u>Welsh Water:</u> Advises that the site is crossed by a public sewer. However, it appears that the proposed development would be situated outside the protection zone of the public sewer.		
3.4	No surface water from any increase in roof area of the building/or impermeable surfaces within its curtilage should be allowed to directly or indirectly to the public sewer.		
3.5	<b><u>Public Consultation:</u></b>  <ul style="list-style-type: none"> <li>• 2 letters to nearby houses</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>		
3.6	<u>Response:</u> No responses have been received to the public consultation.		
3.7	Following notification of ward members of the intention to refuse the application under delegated powers two emails were received requesting the application be presented to Planning Committee. The Ward Members advised that they do not consider the proposal will be prominent as it will be set back from the highway by some significant distance and much lower than its nearest neighbours who have no objection.		

3.8	They have also indicated that they consider a site visit would be appropriate.
<b>4. Planning Policy</b>	
4.1	<p><u>LDP Policies:</u>  DM1 New development  DM2 Design and Placemaking</p> <p>Supplementary Planning Guidance Householder Design Guide</p>
<b>5. Planning Assessment</b>	
5.1	The site lies within the settlement boundary as defined by the policy SB1 of the adopted Blaenau Gwent Local Development Plan and as such falls to be considered against the relevant policies in the Plan. Supplementary Planning Guidance (SPG) Householder Design Guidance Note 2 (Garages and Outbuildings) is also applicable in the determination of the application.
5.2	The property lies within a residential area and it is considered that a shed within the curtilage would be compatible with surrounding uses in the locality as required by policy DM1 2a.
5.3	The proposed shed would sit adjacent to the boundary with the neighbouring property, however there is an existing timber fence between the gardens which will help to screen the development. I am satisfied that the proposal would not result in an unacceptable impact upon the amenities of the occupiers of this neighbouring property and accords with Policy DM1 2c.
5.4	The Council's SPG note 2 advises that garages and outbuildings should not be forward of the front building line unless they are a feature of the streetscape. It is accepted that the proposal lies behind the front building line of the house. However, the layout of the site is such that the shed extends towards the front boundary (see figure 5 below). As a result, the north eastern corner of the shed will be highly visible from the street. The proposed shed at this point measures 3m high. Although it is acknowledged that the garden wall will partially screen the shed it will still project approximately 0.5m above the level of the wall which fronts the site.



**Figure 5**

- 5.5 Although it is noted that there are a number of driveways fronting the road there are no such garages/outbuildings in the vicinity of the site, and as such the proposal is contrary to the advice set out in the SPG. It is also clear that the property and those in the immediate vicinity have a uniform frontage which creates an attractive street scene. I consider that the introduction of a built structure on this street frontage will appear as an incongruous feature that will have an unacceptable visual impact on the street scene. I therefore consider the proposed shed to be contrary to Policy DM1 2b which requires development to have no unacceptable adverse visual impact on the townscape.
- 5.6 I also consider that the use of timber cladding and tin roofing sheets would be unacceptable in this location. I have not sought amendments to these elements given the overriding concerns regarding the position of the proposed shed.
- 5.7 I note that the site previously housed a single garage to the front of the house, however, aerial photography suggests that this was removed before 2014 and the proposed shed should be considered on its own merits rather than as a replacement structure.

5.8	In conclusion, having regard to the above I consider the development would cause material harm to the street scene and character of the area contrary to LDP Policy DM1(2) and the key principles set out in the Householder SPG Note 2 and recommend that planning permission is refused.
<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>REFUSED</u></b> for the following reason(s):</p> <p>The proposed shed, by virtue of its prominent position, will appear as an incongruous feature that will have an unacceptable visual impact upon the streetscene to the detriment of the character and appearance of the surrounding area. For this reason, the proposed development is contrary to policy DM1(2b) of the Adopted Blaenau Gwent Local Development Plan and the Council's Adopted Supplementary Planning Guidance Note 2 Householder Design Guidance.</p>
<b>8. Risk Implications</b>	
8.1	<b>None</b>

## Planning Report

<b>Application No:</b> C/2021/0386	<b>App Type:</b> Full
<b>Applicant:</b> Mr S O'Brien CRT Property Investments Ltd C/O Asbri Planning Ltd Unit 9 Oak Tree Court CF23 8RS	<b>Agent:</b> Asbri Planning Ltd Jon Hurley Unit 9 Oak Tree Court Cardiff Gate Business Park CF23 8RS
<b>Site Address:</b> Land to Southern end of Lime Avenue, Ebbw Vale NP23 6GL	
<b>Development:</b> Construction of employment units for B1, B2, and B8 uses, new access road and junction off Lime Avenue, drainage, landscaping, car parking, and associated works	
<b>Case Officer:</b>	Helen Hinton



## 1. Background, Development and Site Context

1.1 Planning permission is sought for the construction of 5 steel portal frame buildings, a new access road with junction off Lime Avenue, associated car parking areas and ancillary infrastructure on land to the southern end of Lime Avenue, Ebbw Vale.

1.2 The buildings would be subdivided to provide 10 employment units with a combined floor area of 4,065 square metres that would be used for B1, B2 or B8 use. The overall size and number of units within each building is as follows:

Building	Size (square metres)	No. of Units
Building A	676	3
Building B	676	3
Building C	788	2
Building D	1050	1
Building E	875	1
<b>Total</b>	<b>4065</b>	<b>10</b>

1.3 Two building types are proposed which would have simple rectangular forms, with either a mono-pitch roof sloping from the front to the back of the building (buildings A and B) or a pitched roof (buildings C-E). Externally the buildings would be finished with a blue/grey facing brick plinth with various types of horizontally and vertically laid cladding above in various shades of grey. All the roofs would be finished with goosewing grey coloured sheets with a number of rooflights and PV solar panel arrays. Windows and doors would be aluminium framed double glazing with a lightweight suspended glass canopy provided over entrance doors. The loading doors would be a sectional design finished in a slate grey colour.

1.4 Upon entering the site, buildings A and B would be situated to the left. The buildings would be single storey and back onto Lime Avenue, adjacent to the western boundary. Although windows and doors would be inserted in the western (rear) elevation the principle access would be gained from the eastern elevation. An internal estate road, parking and an amenity seating area would be provided to the east of the buildings.

1.5 Building C would be located immediately to the right of the new junction, in the central part of the site. The north-eastern (front) elevation would incorporate elements of glazing that would address the main site entrance and an area of car parking that would provide dedicated car sharing spaces, electric vehicle charging facilities and a covered cycle store. A delivery yard with 25m articulated lorry turning circle and shared bin store would be provided to the

	<p>south-west (rear) of the building with an amenity seating area to the east, overlooking a new swale feature.</p>
1.6	<p>Buildings A, B and C would be limited to a B1 use i.e. an industrial process, which can be carried on in any 'residential' area without the detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.</p>
1.7	<p>Buildings D and E would be provided on the southern part of the site (on the lower plateau). The buildings would share a dedicated delivery yard large enough to accommodate two, 25m articulated lorry turning circles, to the south-west (rear). A communal parking area with accessible spaces, car sharing spaces, EV charging spaces and covered cycle stores and amenity areas would also be provided.</p>
1.8	<p>Due to their positioning further away from the hospital, consent is sought for a more flexible 'B' use for buildings D and E i.e. B2- general industrial or an industrial process other than that falling within Class B1, and B8- Storage and/or distribution.</p>
1.9	<p>A new centrally positioned vehicular access with visibility splays in excess of 2.4m x 25m, would be created off Lime Avenue. The internal road would curve southwards to gain access to buildings C, D and E with a spur road travelling northwards to provide access to buildings A and B. Whilst it is the developer's intention to construct the access and internal roadway to adoptable standards, it would not be offered for adoption but remain private. This would allow the installation of security gates to restrict access to the site outside of business hours. Security gates will be located at least 15m into the site. The distance would allow a lorry to stop outside of the gates but be clear of the Lime Avenue carriageway.</p>
1.10	<p>A new pavement, connecting to existing footways adjacent to the site along Lime Avenue and the relocation of an existing flat top road hump are also proposed.</p>
1.11	<p>Up to 42 parking spaces would be provided throughout the development, of which, 10 would be reserved for disabled persons parking bays; 10 for EV charging and 4 prioritised for users that car share. See figure 1.</p>





Figure 1- Site layout

1.12 The approximate dimensions of the proposed buildings are as follows:

Building	Height (maximum/metres)	Width (metres)	Depth (metres)
Building A	8.5	46.6	16
Building B	8.5	46.6	16
Building C	8.5	39.5	21.5
Building D	9.3	43	26
Building E	9.3	36	26

1.13 The application site relates to an irregular parcel of reclaimed brownfield land that has regenerated to some degree with grassland and scrub. The site measures approximately 1.78 hectares and is broadly split into two development plateaus to the north and south with a south sloping bank roughly in the middle. The land also slopes down towards a ditch and footpath along the eastern boundary.

1.14 Lime Avenue adjoins the western boundary of the site and the Aneurin Bevan Hospital lies just beyond. A public footpath runs along the eastern, southern and southwestern boundaries of the site and there is also a body of water just beyond the footpath to the southwest. The central valley wetland park, which is a candidate local nature reserve, also lies just beyond the footpath to the south and east of the site. The northern boundary of the site adjoins an undeveloped area of reclaimed land, which is allocated for mixed use development, including housing.

1.15 In the wider context the application site is visible from the surrounding valley sides. As a consequence, the proposed employment buildings would occupy a visually prominent position within the wider landscape.

1.16 In addition to the drawing pack the applicant has submitted supporting information which includes a Design and Access Statement, An Ecological Impact Assessment, Transport Statement, Geotechnical and Geo-environmental Site Investigation Report, Coal Mining Risk Assessment, a foundations technical note, noise report, tree report, and a drainage strategy.

1.17	The applicant has also undertaken pre-application consultation prior to the submission of the planning application, which included publicising a draft of the proposed development and consultation with the community and specialist consultees, including ward members. A related Pre-application Consultation Report has been submitted with the application.
1.18	The Local Planning Authority has adopted a screening opinion on the proposed employment development, indicating that whilst the proposal is considered to fall within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, it is unlikely to result in significant environmental impacts. As such, an Environmental Impact Assessment has not been requested as part of the planning application.

## 2. Site History

	Ref No	Details	Decision
2.1	C/2019/0054	Construction of 6 buildings to provide 25 employment units for B1 and B2 uses, new access road and junctions off Lime Avenue & associated parking and other infrastructure	Approved 16/12/2019
2.2	C/2014/0074	Outline planning for industrial units	Approved 03/07/2014
2.3	C/2010/0101	Vary and remove conditions relating to planning permission C/2007/0125	Approved 17/06/2010
2.4	C/2009/0236	Variation of conditions 1 and 3 relating to planning permission C/2007/0125	Approved 03/09/2009
2.5	C/2008/0494	Variation of condition 3 of planning permission C/2005/0453 to allow access/egress to and from the site for the purposes of phase 1 regeneration works	Approved 17/02/2009
2.6	C/2007/0169	Ground stabilisation of potential shallow abandoned mine working by drilling and grouting techniques to create development platform	Approved 20/07/2007
2.7	C/2007/0125	Outline for a mixed use development comprising residential, hospital, learning campus, employment uses, theatre, leisure centre, primary school, landscaping works and railway terminus	Approved 20/07/2007

2.8	C/2005/0453	Phase 1 regeneration of the site comprising of remediation works, earthworks, drainage and landscaping	Approved 07/11/2005
2.9	C/2005/0370	Phase 1 regeneration of the site comprising of remediation works, earthworks, drainage and landscaping	10/10/2005

### 3. Consultation and Other Relevant Information

#### 3.1 Internal BG Responses

3.2 Team Leader Building Control:  
Building regulations are required.

3.3 Service Manager Infrastructure:

3.4 Highways:

The Team Manager – Built Infrastructure no objection to the proposed development which is considered to comply with LDP Policy DM 1 (criterion 3a, b, c & d). The following highway observations have also been identified:

- The proposed cycle, car parking and servicing area comply with the Councils' Access, Car Parking and Design' SPG. These must be fully constructed prior to the units being brought into use and retained thereafter.
- The proposed new highway junction and access road is acceptable to the highway authority.

3.5 Drainage:

A separate consent for surface water drainage will be required from the Sustainable Drainage Systems (SuDS) Approval Body (SAB).

3.6 Ground Stability:

The Council's Engineer has raised no objection to the proposed development

3.7 Landscape:

No objection. The green infrastructure and landscaping details submitted are sufficient and acceptable.

3.8 Ecology:

The Council's Ecologist has confirmed that the findings of the Preliminary Ecological Appraisal Report are acceptable and has raised no objection in principle. The need for the recommendations within the report to be

	implemented is highlighted as is the need for the submission of a sensitive lighting strategy.
3.9	<p><b>Rights of Way:</b> Confirmation provided that there are no rights of way established across the site. There are, however, routes running in close proximity which are well used and link communities to Ysbyty Aneurin Bevan and Ebbw Fawr Learning Zone. Clarification has been sought with regards to how public access will be retained.</p>
3.10	<p><b><u>Service Manager Public Protection:</u></b> The Specialist Environmental Health Officers have raised no objection in principle but has recommended conditions be imposed with regards to contaminated land; hours of construction; hours of operation of the units, noise and the use of the buildings due to the close proximity to a Hospital.</p>
3.10	<p><b><u>Head of Estates and Strategic Asset Management:</u></b> The site is owned by Blaenau Gwent County Borough Council, with the proposed development forming part of the wider redevelopment plans for 'The Works' site. It is noted that the development has changed significantly from the Council's strategic vision and previous consent with no focus on the business start-ups sector. Concerns are raised that the proposal doesn't capture the whole market demand. Further justification relative to supply and demand data is requested.</p>
3.11	<p><b><u>External Consultation Responses</u></b></p>
3.12	<p><b><u>Natural Resources Wales:</u></b> No objection is raised to the proposed development subject to a number of conditions being attached to any planning permission granted, relating to the protection of controlled waters from any mobilisation of ground contamination and/or potential changes to the engineering recommendations and provision of a sensitive lighting strategy.</p>
3.13	<p><b><u>Welsh Water:</u></b> No objection is raised to the proposed development. It is also confirmed that capacity exists within the public sewerage network in order to receive the foul flows only from the proposed development, while surface water drainage will need to be considered through the SAB process.</p>
3.14	<p><b><u>Western Power and W&amp;W Utilities:</u></b> The approximate position of apparatus in the vicinity of the application site is highlighted.</p>

3.15	<p><u>Coal Authority:</u> The site falls within a development high risk area and as such, there are coal mining features and hazards within the application site and surrounding area that need to be considered in relation to the proposed development.</p>
3.16	<p>Following a review of the Ground Investigation Report &amp; Coal Mining Risk Assessment and Technical Note the Coal Authority (CA) have confirmed the details are sufficient and no objections are raised subject to conditions relating to the internal road construction and provision of a signed statement or declaration prepared by a suitably competent person confirming the completion of the mitigation measures necessary to address the risks posed by past coal mining activity</p>
3.17	<p><u>Glamorgan Gwent Archaeological Trust</u> No objections - The historic maps show the application area as used for tipping, with tramways crossing parts of the site. Subsequently the area has been reclaimed and landscaped. Therefore, it is unlikely that any archaeological features of significance will be encountered during the course of the proposal.</p>
3.18	<p><u>Welsh Government Transport</u> No objection.</p>
3.19	<p><u>South Wales Fire and Rescue</u> The developer should consider the need for the provision of:- a. adequate water supplies on the site for firefighting purposes; and b. access for emergency firefighting appliances.</p>
3.20	<p><u>Gwent Police:</u> No comments received.</p>
3.21	<p><b><u>Public Consultation:</u></b></p> <ul style="list-style-type: none"> <li>• 6 letters to nearby buildings</li> <li>• 2 site notices</li> <li>• press notice advertising the planning application as proposed development that does not accord with the provisions of the Local Development Plan (LDP)</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>

3.22	<ul style="list-style-type: none"> <li>• other</li> </ul> <p><u>Response:</u></p> <p>One letter of support has been received from a neighbouring business who confirm they have registered an interest in one of the larger units.</p>
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#### 4. Planning Policy

4.1	<p><u>Team Manager Development Plans:</u></p> <p><u>LDP Policies:</u></p> <ul style="list-style-type: none"> <li>• SP1 Northern Strategy Area – Sustainable Growth and Regeneration</li> <li>• SP7 Climate Change</li> <li>• SP8 Sustainable Economic Growth</li> <li>• SP10 Protection of the Natural Environment</li> <li>• DM1 New Development</li> <li>• DM2 Design and Placemaking</li> <li>• DM3 Infrastructure Provision</li> <li>• DM4 Low and Zero Carbon Energy</li> <li>• DM10 Use Class Restrictions – Employment</li> <li>• DM14 Biodiversity Protection and Enhancement</li> <li>• SB1 Settlement Boundaries</li> <li>• MU2 ‘The Works’</li> <li>• EMP1 Employment Allocations</li> </ul> <p><u>Supplementary Planning Guidance</u></p> <ul style="list-style-type: none"> <li>• The Works Design and Masterplan (October 2013)</li> <li>• The Works Design Code – Masterplan Update (June 2010)</li> <li>• Access, Car Parking and Design (March 2014)</li> </ul> <p><u>National Planning Policy</u></p> <ul style="list-style-type: none"> <li>• Future Wales: The National Plan 2040</li> <li>• Planning Policy Wales (Edition 11, February 2021)</li> <li>• Technical advice note (TAN) 4: retail and commercial development</li> <li>• Technical advice note (TAN) 11: noise</li> <li>• Technical advice note (TAN) 12: design</li> <li>• Technical advice note (TAN) 23: economic development</li> </ul>
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#### 5. Planning Assessment

5.1	<u>Principle of Development</u>
5.2	Future Wales – the National Plan 2040 (February 2021), 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 and to create activity throughout the day to enable people to walk and cycle rather than being reliant on travelling by car. As such, the development complies with these policies.
5.3	The application site is located within the settlement boundary (Policy SB1) and forms part of a mixed use allocation relating to the regeneration of the former steelworks site (Policy MU2). Strategic Policy SP1 directly refers to ‘The Works’ site as a strategic flagship scheme within the Northern Strategy Area that will help achieve sustainable regeneration that benefits the whole of Blaenau Gwent.
5.4	‘The Works’ allocation seeks to deliver a range of uses, including housing, employment, education, health and leisure related uses. In order to guide development and ensure that neighbouring land uses are compatible, ‘The Works Design and Masterplan’ Supplementary Planning Guidance (SPG) sets out an indicative land use plan for the whole of the regeneration site. The application site is covered by a business use allocation (Bus 2) which is identified for B1 employment uses. The B1 only employment use of the site is also reflected in Policy EMP1 and restricted by Policy DM10 of the LDP.
5.5	The current application seeks consent for the development of units to be used for B1, B2 and B8 purposes. The use of the site for B2 and B8 is not in accordance with the LDP land use allocation, associated employment related policies or the adopted SPG for the site. As a result, the application has been advertised as a departure from the LDP.
5.6	Members may be aware that in 2019 planning permission was granted for the development of 25 units on the site limited to B1 and B2 use (application C/2019/0054 refers). As a result, the principle of development in relation to B1 and B2 uses has been positively established with the consent remaining extant and a material consideration in the determination of the current application.
5.7	Notwithstanding the in principle conflict with the LDP, at the time of inspection, it was noted that the application site comprises two distinct development plateaus that relate differently to the surrounding area. The northern half of the site sits at the same level as Lime Avenue and directly interacts with the

	<p>immediate street scene and the wider ‘Westgate’<sup>1</sup> character area as defined by the SPG. This part of the site is also in close proximity to sensitive neighbouring land uses, such as the hospital to the north west and the mixed use allocation (MU12) which adjoins the site’s northern boundary.</p>																					
5.8	<p>In contrast, the southern half the site is set at a lower land level and has limited interaction with the surrounding urban environment. Moreover, this part of the site is located approximately 200m from the sensitive land uses highlighted above and also sits within the context of the Festival Drive employment area, which the LDP identifies as being suitable for B1, B2 and B8<sup>2</sup> employment uses. Furthermore, the lower southern plateau of the application site and northern end of Festival Drive are located at similar distances from the hospital building.</p>																					
5.9	<p>Given the above arrangement and being mindful of the previous consent, it is considered that the northern plateau of the application site is suitable for B1 employment uses only, in line with the LDP and SPG’s land use allocation. Allowing general B2 or B8 uses in close proximity to the surrounding sensitive uses has the potential to give rise to unacceptable amenity impacts or visually inactive units. As such, it is recommended that the use of buildings A, B and C be restricted to B1 employment uses only via condition. The applicant has agreed to this approach with the differentiation of the proposed uses indicated within the Design and Access Statement.</p>																					
5.10	<p>Following consultation, the Authority’s Estates Team have raised concerns regarding the reduction in unit numbers, the increased size of the B1 units and the inclusion of a B8 use, relative to the previous consent (C/2019/0054 refers). As part of the Authority’s Draft Employment Land Review Paper it is noted that Blaenau Gwent has the second highest business start-up rate in Wales. In terms of enquiries received by the Council, the latest data indicates consistent demand over all three B use categories for the following sized units:</p>																					
5.11	<table border="1"> <thead> <tr> <th data-bbox="240 1570 667 1615">Unit size in sq.m</th> <th data-bbox="667 1570 1082 1615">Number of enquiries</th> <th data-bbox="1082 1570 1530 1615">Percentage of demand</th> </tr> </thead> <tbody> <tr> <td data-bbox="240 1615 667 1659">46-140</td> <td data-bbox="667 1615 1082 1659">87</td> <td data-bbox="1082 1615 1530 1659">49.7%</td> </tr> <tr> <td data-bbox="240 1659 667 1704">141-280</td> <td data-bbox="667 1659 1082 1704">47</td> <td data-bbox="1082 1659 1530 1704">26.8%</td> </tr> <tr> <td data-bbox="240 1704 667 1749">465 +</td> <td data-bbox="667 1704 1082 1749">28</td> <td data-bbox="1082 1704 1530 1749">16%</td> </tr> <tr> <td data-bbox="240 1749 667 1794">279-464</td> <td data-bbox="667 1749 1082 1794">8</td> <td data-bbox="1082 1749 1530 1794">4.5%</td> </tr> <tr> <td data-bbox="240 1794 667 1839">0-45</td> <td data-bbox="667 1794 1082 1839">5</td> <td data-bbox="1082 1794 1530 1839">2.85%</td> </tr> <tr> <td data-bbox="240 1839 667 1883"><b>Total</b></td> <td data-bbox="667 1839 1082 1883"><b>175</b></td> <td data-bbox="1082 1839 1530 1883"></td> </tr> </tbody> </table>	Unit size in sq.m	Number of enquiries	Percentage of demand	46-140	87	49.7%	141-280	47	26.8%	465 +	28	16%	279-464	8	4.5%	0-45	5	2.85%	<b>Total</b>	<b>175</b>	
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<sup>1</sup> ‘The Works’ site has been split into six Character Areas, including “Westgate” which covers the southwest part of the site stretching from Mill Lane in the north to Festival Drive in the south.



5.12	The units proposed as part of Buildings A and B would have an average internal floor area of 224.5 sq.m. The units in buildings C, D and E (not including mezzanine) would have an average floor area of 393.6sq.m; 1050sq.m and 875 sq.m respectively.													
5.13	Although the Council data is not representative of full market demand, it does identify that the proposal would fail to provide units that are in greatest demand within the Authority. In response the applicant has provided the following information:													
5.14	<i>“With regards to the South Wales market specifically, despite a limitation on general supply the focus to date by developers has been heavily geared to accommodate smaller operators. Demand for the next size tier up is strong, and despite not being in the same quantum of requirements as the sub 2,000 sq.ft (185sq.m) market there remains a steady supply of requirements for larger units that are far less catered for.</i>													
5.15	<i>With regards to 2021 transactions across South Wales, on a whole there were 117 sub 4,000 sq.ft (370sq.m) deals and 49 transactions 4,000-13,500 sq.ft (370-1251sq.m) which demonstrates the whilst the level in transactions differ this is somewhat driven by the under supply of units. A scheme of c.44,000 sq.ft (4087Sq.m) would require a much larger number of smaller operators by nature to fill and then a core of larger operators. Our recent involvement with a developer in Rhondda Cynon Taff has demonstrated that a model factoring in mid ranges units is driving high levels of interest since the prelaunch marketing and several are likely to progress to pre lets early in the development timeline.</i>													
5.16	<i>There remain several open requirements due to compressed supply on this mid-tier. Development of larger units will not only help to unlock these requirements but also see an abundance of occupiers who are currently in older stock with no viable options to move come forward to the market. Some examples of open South Wales enquiries include:</i>													
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5.18	<p><i>In conclusion, South Wales is significantly under supplied with good quality and modern industrial stock and therefore availability of industrial stock is limited across the whole of the South Wales region. This is a challenge for the region to attract larger inward investors or significant relocations due to shortage of availability. Indigenous demand is good, and we are experiencing consistent levels of demand for new stock from occupiers who are currently tied to their location due to limited options to move. Unlocking the supply issue is key to attracting new entities and maneuvering people in the market.</i></p>		
5.19	<p><i>Modern facilities on the size bracket proposed are likely to be well received and somewhat cater for a current gap in the market with developers targeting smaller workshop size units. There is an opportunity to tie up the current demand for a sector which is currently far less catered for.”</i></p>		
5.20	<p>Although concerns are raised regarding the potential provision of generically sized units, based on the information supplied it appears that there is sufficient demand within the wider South Wales market to justify the development. The provision of larger units is therefore considered acceptable in principle. A further update from the Estates Team has been sought and will be presented to Members as late representation.</p>		
5.21	<p>B8 uses, by their very nature have a tendency to generate less employment and business activity. As a result, the use is contrary to the principles of the site which seek to facilitate and enhance business development, employment and income opportunities. However, as specified above the site is split into two developable plateaus with the developer indicating that the proposed B2 and B8 use would be limited to buildings D and E on the southern, lower plateau. As specified above, this area lacks an active boundary with Lime Avenue and by default, is largely viewed in relation to the B1, B2 and B8 uses on Festival Drive.</p>		
5.22	<p>In this instance being mindful of the relatively modest scale of the buildings it is considered that the proportion of B8 proposed would not be so great to undermine the wider business generation objectives for The Works site or the LDP. Being mindful of the characteristics of the lower plateau relative to the surrounding area, it is considered that allowing buildings D and E to benefit from a more flexible B2 and B8 use would not be so incompatible with other uses in the locality to warrant refusal of the application and may increase the likelihood of the proposed development being delivered. Furthermore, in light</p>		

	of the public consultation response received, this aspect of the proposal has the potential to assist in retaining existing business in the area.
5.23	Delivering this proposal would make a valuable contribution towards the regeneration of brownfield land allocated for employment and business purposes within the LDP (Policy SP8), which will in turn help meet the needs of local business and create employment opportunities for local people. On balance, it is considered that these material considerations weigh in favour of allowing B2 and B8 uses on the southern plateau of the application site, contrary to the LDP and SPG's land use allocations.
5.24	<u>Layout, Scale and Appearance</u>
5.25	'The Works Design and Masterplan' SPG identifies five separate character areas across the whole of 'The Works' site. The application site falls within the 'Westgate' character area which recognises the need to accommodate lower density employment uses on the lower density area at the southern end of the site, adjacent to the existing businesses at Festival Drive and near the hospital which is in a landscaped setting. 'The Works Design and Masterplan' SPG also indicates that the area is suitable for low rise employment uses with maximum heights of 2-3 storeys (see Table 1, pages 13-14 of the SPG).
5.26	Relative to the development approved as part of C/2019/0054 the application proposes fewer units. However, the average floor areas would be larger and the buildings would be 1.8-2.2m higher than those previously approved. Although the buildings would be more substantial in form, on balance it is considered that the density of development in conjunction with the landscaping and green infrastructure indicated, the overall heights and layout would be appropriate and proportionate relative the context of the site. See figure 1
5.27	Buildings A and B would 'turn their backs' to Lime Avenue. Whilst ideally these buildings should face and address Lime Avenue in order to provide an active elevation, it is acknowledged that the physical constraints of the site have largely dictated the layout and building orientations. To retain some natural surveillance and interaction with the street, the plans detail the provision of windows and doors in the western (rear) elevation. On balance, it is considered that the scale and linear form of the proposed buildings, which run parallel to the main street, would be in keeping with the character of other existing and proposed employment buildings located within 'The Works' site. See figures 2 and 3.



Figure 2- proposed plans and elevations of buildings A and B



Figure 3 – indicative view along Lime Avenue with building c in the foreground and building B beyond

5.28 To prevent monotony building C would be positioned at an angle away from the linear terrace arrangement of A and B. The building would have a contrasting built form featuring a pitched roof with a gable and larger elements of elements of glazing in the front elevation that would addresses the spine road. See figures 4 and 5

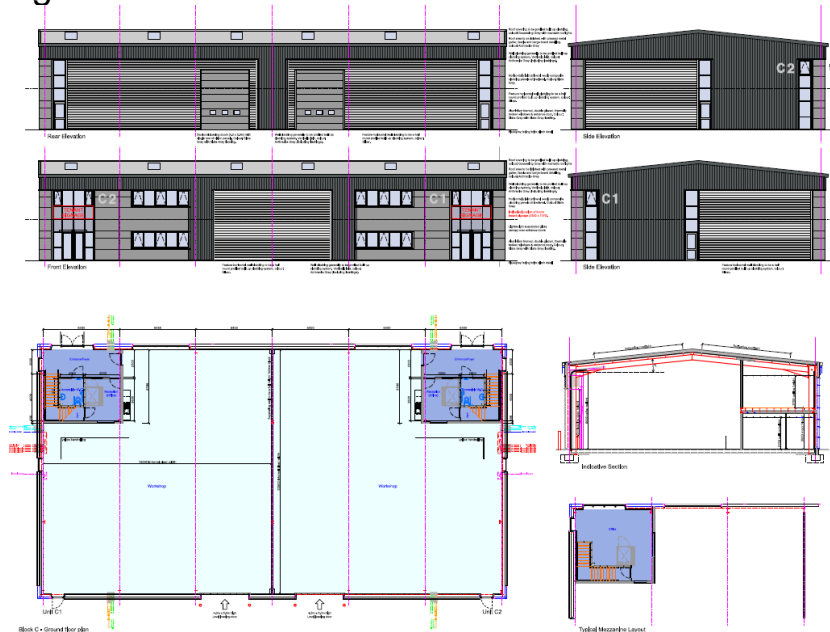


Figure 4- proposed elevations and plans of building C



Figure 5 Indicative view of site - building C in the foreground with B and A beyond

5.29 Similar to building C, D and E would have pitched roofs with a gable but utilize contrasting orientations which add interest and variation to the overall layout.

	<p>See figure 1. Being located on the lower southern plateau and being less restricted in terms of typology due to its positioning away from the Hospital, the scale of Blocks C and D reflect the desire to lease these units as one space free of sub division, which lends itself well to a B2 / B8 use class. Although larger in mass and scale, it is considered that the buildings could be satisfactorily accommodated within the site and wider landscape, as a result of their proximity to the larger buildings along Festival Drive and the natural screening that would be provided by the existing topography and existing and proposed landscaping.</p>
5.30	<p>Although there are variances in form and scale, the proposed buildings have been designed to have a consistent rhythm of fenestration, doors, signage zones and coloured structural profiles. It is considered that the combination of both horizontal and vertical delineations in the cladding help break up the visual mass of the buildings whilst the use of roof glazing would allow high levels of light diffusion within the buildings, which primarily provide workspace, offices and ancillary facilities.</p>
5.31	<p>Whilst the range of external materials and colour palette proposed is limited, they are considered appropriate for the type and use of the buildings; would provide adequate visual interest within the street scene, including along Lime Avenue and would be in keeping with and complement the character and appearance of the area given the materials evident on the hospital and adjacent residential and employment buildings.</p>
5.32	<p>It is therefore considered that the layout, scale and design of the proposed development would be in keeping with the character and appearance of the street scene and surrounding area, and would not have an adverse visual impact. The design of the proposed buildings and layout of the surrounding landscape has due regard to reducing opportunities for crime and making provision for people with special access requirements. As such, the proposed employment development is considered to be in accordance with requirements of Policies DM1 and DM2 of the LDP and the aforementioned SPG in relation to design and placemaking matters.</p>
5.33	<p><u>Sustainable Design</u></p>
5.34	<p>Policy DM4 seeks to encourage major development proposals to incorporate renewable and/or low carbon technologies into their development scheme and requires the submission of an Energy Statement. The purpose of the latter is to examine the potential for energy generation from renewable and/or low carbon sources and to set out how the proposal can make an appropriate contribution.</p>

5.35	The Design and Access Statement indicates that the development seeks to attain a BREEAM 'Excellent' rating by minimising energy use through good daylight and insulation levels, robust air-tight construction details, providing a layout that promotes ease of vehicular and pedestrians movement as well as sustainable drainage and rainwater harvesting across the entire development.
5.36	In order to inform the low carbon design of the buildings, a Low and Zero Carbon Technologies Feasibility Study has been undertaken which has considered the potential for a range of low and zero carbon technologies that could be incorporated into the design of the building. The implementation of a fabric first approach to the environmental design of the building coupled with a detailed dynamic thermal modelling studies will result in minimal renewable technology being required to satisfy the requirements of Part L and BREEAM "Excellent". Solar Photovoltaic Panels are proposed to be incorporated into the scheme, provided to each individual unit. Electric heating is also proposed in lieu of natural gas boilers. This would be part of a strategy for 'electrifying' the building and omitting gas as a form of energy resource. EV charging units would also be provided.
5.37	Based on the above, it is considered that the that opportunities have been taken to reduce energy demand and consumption and incorporate low and zero technologies into the design of the proposal. The application is therefore considered compliant with the requirements Policy DM4.
5.38	<u>Amenity</u>
5.39	The proposed employment development's compatibility with other uses in the locality has been considered above in relation to the principle of development. Here it is explained that the proposal is considered acceptable in land use terms providing the northern plateau of the development site is restricted to B1 employment uses only, due to the proximity of this part of the site to sensitive land uses. This reflects the classification of B1 employment uses which includes, among other things, light industry which can be carried out in any residential area without detriment to the amenity of that area in terms of noise, air quality, vibration and odour. Following consultation Environmental Health have recommended conditions to control the noise generation from the site.
5.40	In terms of the overlooking, overshadowing and overbearing impact of the proposed employment buildings, the only existing building in the immediate vicinity of the application site is the hospital. Although up to 2.2m taller than the building previously approved for the site, building A would maintain a minimums separation distance of approximately 32 metres. As such, it is

	considered that the proposal would not have an unacceptable overbearing impact on the hospital or result in an unacceptable loss of light or privacy to the users of the building.
5.41	Providing the buildings on the northern plateau of the site are restricted to B1 employment use, via an appropriately worded condition, it is considered that the proposed development would not give rise to any unacceptable amenity impacts. Accordingly, the proposal meets the requirements of Policy DM1 in respect of amenity related matters.
5.42	<u>Highways and Parking</u>
5.43	The proposed development would be primarily accessed via one entrance / exit onto Lime Avenue. The position of the access avoids any direct conflict with existing accesses and provides good sight lines in both directions. Internal circulation is via a two way 7.3m spine road and a conforming vehicle turning head for articulated vehicles is provided at the termination of the road aligning the southern plateau.
5.44	In order to promote safety across the proposal, a clear separation between HGV Delivery vehicles and cars is generally maintained. Due to the typology of Blocks A and B, deliveries will commonly be via van or small rigid vehicle. As a result of these manoeuvres being restricted, the car park and delivery space share the same area. However, in the event that that a HGV accesses this plot a turning area is provided between buildings A and B.
5.45	A total of 42 parking spaces would be provided as part of the entire development, 10 of which are accessible spaces marked as Disabled Persons Parking Bays, 10 are EV Charging Spaces and 4 are Car Sharing Spaces. All car parking spaces have suitable space for manoeuvring vehicles in and out of the spaces. To comply with the standards and to ensure public safety, all access roads and parking areas will be illuminated to the required standard.
5.46	The Team Manager – Built Infrastructure has raised no objection to the proposed development, subject to conditions to ensure the parking, service areas and cycle storage are completed prior to the first beneficial occupation of the site. Accordingly, the proposal is considered to be in accordance with Policy DM1 in respect of these matters.
5.47	<u>Ecology</u>
5.48	An Ecological Impact Assessment (EclA) with associated Preliminary Ecological Appraisal (PEA) have been submitted in support of the application.



	<p>The reports confirm that the application site does not contain any priority habitats. Moreover, nearby designated nature conservation sites are considered to be sufficiently well separated from the application site for there to be no detrimental impacts on their designated features as a result of the proposal. There were, however, a number of priority species found present or likely to be present on the site, including bird species (nesting), bats (commuting and foraging), amphibians and reptiles.</p>
5.49	<p>Whilst no further surveys were considered necessary, as a result of the biodiversity desk study and field survey, a number of recommendations are included within sections 4 and 5, of the EclA, which are endorsed by the Council's Ecologists. Among other things, these include the retention of scrub where possible; vegetation clearance works to be undertaken outside bird nesting season; the provision of compensatory habitat and the provision of bat roosting and bird nesting boxes. Following consultation, the Council's Ecologist, has raised no objection to the proposed development, subject to conditions requiring the recommendations of the EclA to be implemented and details of a sensitive lighting strategy to be submitted. This requirement is supported by natural Resources Wales.</p>
5.50	<p>Subject to the imposition of the requested conditions, it is considered that the proposed ecological mitigation, compensation and enhancement measures proposed, would prevent the proposal from having an unacceptable impact on the ecological interests of the site or surrounding area, in compliance with the relevant requirements of LDP Policies SP10, DM1 and DM14.</p>
5.51	<p><u>Landscaping</u></p>
5.52	<p>The proposed site layout and landscaping plan details the provision of areas of soft landscaping interspersed between the buildings and car parking areas and along the highway verges which would incorporate planted swale features required as part of the SuDS drainage strategy. Although the new point of access will result in the loss of four of the street trees along Lime Avenue, these would be compensated for as part of the green infrastructure and landscaping provision on site which would incorporate native tree, shrub and hedge planting with existing banks seeded with a variety of native meadow mix to provide biodiversity enhancements. The verge of existing footpaths would be seeded with flowering amenity mix with a set-back hedge to keep routes visually open.</p>
5.53	<p>It is considered that the extent, provision and detailing of the landscaping proposed would help integrate and blend the development with the street</p>

	scene and the wider aesthetics of The Works site. Following consultation, the Council's Landscape Officer has raised no objection to the application.
5.54	In light of the details submitted, it is considered that the proposal would achieve a suitable visual setting and integrate effectively into the wider area, in compliance with the relevant requirements of LDP Policy DM2.
5.55	<u>Flooding</u>
5.56	Whilst part of the site initially fell within Flood Zone C2 (floodplain), as defined by the Development Advice Map (DAM). Following an update NRW have confirmed that the site no longer partly falls within a high risk flood area. This is reiterated by the Flood Maps for Planning resource. Accordingly, the requirements of TAN 15 are no longer relevant and the site is not considered to be at risk of flooding.
5.57	<u>Drainage</u>
5.58	The proposed development is situated outside of a defined phosphate sensitive area and would seek to connect foul water drainage to the main public sewerage network available on Festival Drive. Following consultation, Welsh Water has confirmed that capacity exists within this network to receive foul flows only and that the drainage information submitted is sufficient, providing the strategy forms part of the approved documents for any grant of consent.
5.59	From 7th January 2019, all applications where the construction area is 100m <sup>2</sup> or more, require Sustainable Drainage Systems for surface water (SuDS), to be designed and built in accordance with the statutory standards. Local Authorities are required to discharge their functions as a SuDS Approving Body (SAB) and approve SuDS schemes prior to the commencement of construction works.
5.60	The surface water drainage strategy for the site proposes a number of sustainable drainage options forming part of the development and layout. These include attenuation ponds, swales and permeable surfaces allowing for infiltration ultimately discharging to the ordinary watercourse / culverted watercourse to the south of the site, mimicking pre-development conditions.
5.61	Although enhanced details of the surface water drainage solutions, have not been submitted as part of the planning application, such matters are now reviewed and determined by Sustainable Drainage Systems (SuDS) Approval Body. The proposed development's surface water drainage scheme will

	therefore be assessed under this separate regulatory regime and due regard will be given to the impact on the surrounding natural environment as part of this process. The developer is aware of the requirement, with this application submitted in an attempt to overcome some of the drainage situations that have arisen as part of the previous consent.
5.62	<u>Ground Stability and Contamination</u>
5.63	The application site falls partly within the defined Development High Risk Area for coal mining. Therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
5.64	The Coal Authority records indicate that underground coal mining has taken place beneath the northern part of the site at shallow depth and that further historic unrecorded shallow coal mining may have taken place. In addition, a mine entry (shaft, CA ref. 317208-034) is recorded to be present within the site, adjacent to the eastern boundary.
5.65	The application is accompanied by a Geotechnical and Geoenvironmental Report (2021, prepared by Terra Firma (Wales) Limited). The report incorporates a review of relevant sources of coal mining and geological information, and the results of previous intrusive (borehole) investigations carried out at the site. In respect of ground stability, section 3.1 of the report states that the application site is at an insignificant risk of surface subsidence related to shallow seams, due to the intact nature of the coal seams, the collapse of the ironstone seam and their recorded depths. Furthermore, section 3.2 of the report highlights that previous intrusive investigations carried out to locate the shaft were unsuccessful. The report author indicates that as the treatment of the shaft and its depth are unknown, an exclusion zone of 40m should be defined around the assumed location of the shaft in order to prevent structural damage from potential subsidence, should movement occur in the shaft.
5.66	As part of their consultation response, The Coal Authority note that the extent of the proposed exclusion zone reflects that recommended in as part of the previous application and that the recommended exclusion zone has been incorporated into the proposed development layout shown on the Proposed Site Layout plan (Drawing No. 10250-PL03 Rev.E).
5.67	Although all the proposed buildings would be located outside the exclusions zone, critical infrastructure, including the sole access road to buildings within the central and southern parts of the site would cross this zone. As such,

	<p>ground movement derived from the recorded shaft could potentially affect this infrastructure. In response the applicant has provided a Technical Note: Coal Mining – Mitigation Measures (16 December 2021, prepared by Cambria), which confirms that roads within the building exclusion zone will include a geo-grid reinforcement to minimise the impact of any ground movement.</p>
5.68	<p>Whilst The Coal Authority (CA) accepts the findings and recommendations of the report they have requested a condition requiring the reinforcement to be designed and installed by competent person with a statement provided post construction to confirm the completion and installation of the mitigation measures.</p>
5.69	<p>The Council’s Engineer has raised no objection to the proposed development.</p>
5.70	<p>With regards to ground contamination, the submitted Geo-technical and Geo-environmental Report (GGR) indicates that the application site is affected by elevated levels of sulphate, which is contaminant of concern, and ground gas. As such, the GGR recommends a number of remediation measures, including capping the site with the proposed buildings, hard surfaces or a minimum thickness of 600mm of inert materials. The incorporation of ground gas protection measures into the design of the buildings and the need for the use of appropriately designed pipes in order to safeguard potable water supplies is also highlighted.</p>
5.71	<p>The Council’s Specialist Environmental Health Officer has raised no objection to the proposed development subject to the above remediation measures being secured via an appropriately worded condition. A validation report confirming that the remediation measures have been implemented can also be secured via condition prior to the occupation of the buildings. Natural Resources Wales have requested further conditions that would protect controlled waters from the mobilisation of contamination as a result of uncontrolled surface water infiltration into the ground and/or potential changes to the engineering recommendations within the GGR. It is considered that such conditions that seeks to control and prevent inappropriate penetrative methods of foundation design and inappropriately located infiltration systems are necessary and as such, should be imposed if planning permission were to be granted.</p>
5.72	<p>On the basis of the reports and consultation responses received, it is considered that subject to appropriate mitigation and remediation measures being secured via condition, the proposed employment development would be acceptable in respect of ground stability and contamination and the proposal is compliant with the relevant criteria of LDP Policy DM1.</p>

5.73	<u>Conclusion</u>
5.74	In summary, whilst the uses classes proposed are not wholly in accordance with the provisions of the LDP, the delivery of a mixture of B1 and B2 employment uses and the provision of a small proportion of B8 storage and distribution use would make a significant contribution to meeting the LDP's regeneration and employment related strategic objectives. Moreover, it is considered that the uses proposed would be compatible with neighbouring land uses in the locality providing the B2 and B8 are restricted to the lower, southern development plateau of the application site.
5.75	Although larger in form and taller in height than the proposal approval, it is considered that the applicant has identified a market for the units and that the scale, design and external materials would also be in keeping with the character and appearance of the surrounding area, and would not have an unacceptable impact on the amenity of neighbouring buildings. In terms of highway and parking matters, the new access junction at Lime Avenue are considered to be acceptable in principle and the amount of parking provision is sufficient to meet the needs of the proposed employment development.
5.76	It is therefore concluded, on balance, the proposed employment development is broadly in accordance with the general thrust of the LDP and the conflict with the LDP's land use allocation is outweighed by the regeneration and economic benefits of the proposal.
<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.

## 7. Conclusion and Recommendation

7.1 Planning permission be **GRANTED** subject to the following condition(s):

1. Condition listing approved plans and documents.

Reason: To clearly define the scope of this permission.

2. The use of buildings A, B and C and all their constituent units as identified on Proposed Site Layout Plan, Drawing No. 10250-PL03 Rev.E, shall be restricted to uses falling solely within Class B1 (Business) uses of Part B of the Schedule to the Town & Country Planning (Use Classes) Order 1987.

Reason: To define the scope of the permission.

3. The Use of buildings D and E as identified on Proposed Site Layout Plan, Drawing No. 10250-PL03 Rev.E, shall be restricted to uses falling solely within Classes B1 (Business) B2 (General Industrial) and B8 (Storage and Distribution) uses of Part B of the Schedule to the Town & Country Planning (Use Classes) Order 1987.

Reason: To define the scope of the permission.

4. The construction of the access road hereby approved shall incorporate appropriately designed reinforcement within the Buffer Zone shown on the Proposed Site Layout (Drawing No. 10250-PL03 Rev.E), to mitigate the risk posed by ground movement derived from recorded mine shaft 317208-034. (CA)

Reason: To ensure that the development is implemented in a manner that has due regard to ground stability issues.

5. Prior to the first use of the access road hereby approved, a signed statement or declaration prepared by a suitably competent person confirming the completion of the mitigation measures necessary to address the risks posed by past coal mining activity, as required by Condition 1 above, shall be submitted to the Local Planning Authority for approval in writing. (CA)

Reason: To ensure that the development is implemented in a manner that has due regard to ground stability issues.

6. The buildings hereby approved shall not be occupied until the areas designated for cycle and car parking and vehicle turning are completed in accordance with the Proposed Site Layout Plan, Drawing No. 10250-

PL03 Rev.E. These designated areas shall not be obstructed and shall be retained and kept available for their designated purposes at all times.

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

7. The buildings hereby approved shall not be brought into beneficial use until a Travel Plan (including a programme of implementation) has been submitted to and approved in writing by the Local Planning Authority. All actions and measures as may be approved shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and sustainable transport.

8. Notwithstanding the details of the approved plans, prior to installation details and samples of all external finishes to the building, all hard landscaped finishes and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details, with all buildings, hard landscaping and boundary treatments relating to that building completed in accordance with the approved details before the building is occupied and shall be retained as such thereafter.

Reason: To safeguard the visual and landscape amenities of the area.

9. Prior to the installation of any electric car charging points as shown on Proposed Site Layout Plan, Drawing No. 10250-PL03 REV E details of the EV charging units and schedule for installation must be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans.

Reason: To safeguard highway safety and visual amenity interests.

10. All works undertaken shall be implemented in full accordance with the recommendations contained in Geotechnical and Geo-environmental Report Site: Proposed Commercial Development, Plot Bus 2, The Works, Ebbw Vale Issue Date: 2021 Job No: 16950 The development shall not be brought into beneficial use until the Local Planning Authority is provided with a validation report, signed by a suitably qualified person that confirms that such recommendations, measures and/or works have been fully implemented.

Reason: To ensure that the development is implemented in a manner that gives due regard to ground contamination issues.

11. If, during the course of development, any contamination is found which has not been identified in Geotechnical and Geo-environmental Report Site: Proposed Commercial Development, Plot Bus 2, The Works, Ebbw Vale, Issue Date: 2021 Job No: 16950, no further development shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance the approved details.

Reason: To ensure any unsuspected contamination is dealt with through a remediation strategy, to minimise the risk to both future users of the site and neighbouring land and to ensure the development can be carried out safely without unacceptable risks.

12. No development or phase of development shall commence until written confirmation that either no piling or any other foundation designs using penetrative methods is required; or full details of piling or any other foundation designs using penetrative methods is submitted and approving in writing by the Local Planning Authority. The details must demonstrate that there is no unacceptable risk to groundwater. The development shall only proceed in accordance with the approved plans and shall be maintained as such thereafter.

Reason: To ensure that the development is implemented in a manner that has due to regard to the potential for pollution to controlled waters.

13. Before works commence on site details shall be submitted to and approved in writing by the Local Planning Authority of the finishes and constructional details of any retaining wall or works required in association with the construction of the development hereby approved that will exceed 1.5 metres in height. Such details must also include a certificate signed by a suitably qualified engineer that shall verify the structural integrity of the proposed works. All works shall be undertaken and completed in full accordance with such details and specifications as may be approved in writing by the Local Planning Authority before the buildings are brought into beneficial use.

Reason: To safeguard the integrity of any retaining works required in association with the approved development and to safeguard visual amenity interests.

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following occupation of the building(s), the completion of the development (whichever is the sooner), or any alternative timescale that



may be approved in writing by the Local Planning Authority before works commence on site. Any trees, shrubs or plants which within a period of 5 years from implementation of the planting scheme die, are removed or become seriously damaged or diseased, shall be replaced by one of the same species and size in the next available planting season.

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

15. 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:-

- 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.

16. No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include details of the following:-

- a) a risk assessment of any potentially damaging construction activities;
- b) identification of “biodiversity protection zones”;
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;

- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologist need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and
- h) the use of protective fences, exclusion barriers and warning signs.

The CEMP shall be strictly implemented and adhered to throughout the construction period in full accordance with the approved details.

Reason: To protect biodiversity interests and ensure that suitable measures are taken to mitigate any adverse impacts on biodiversity.

17. Prior to installation, full details of all lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used
- Drawings setting out light spillage in key sensitive areas, in particular all retained/ newly created vegetation to the west, south and east of the site
- Details of lighting to be used both during construction and operation

The development shall only proceed in accordance with the approved plans and shall be maintained as such thereafter.

Reason: To ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, and their habitats and commuting corridors.

18. The development shall only proceed in accordance with the Sections 4 and 5 of the Ecological Impact Assessment (December 2021). Confirmation and evidence of compliance with the report shall be submitted to and approved in writing within 6 months of the first beneficial occupation of the buildings.

Reason: To ensure the mitigation and compensation measures are provided in the interest of the ecological and biodiversity value of the site.

19. Prior to first beneficial use, details of operational and delivery hours shall be submitted to and approved in writing by the Local Planning Authority. The use shall operate in accordance with the approved hours.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

20. The rating level of the noise emitted from all Industrial and Manufacturing process; Fixed Plant and equipment (mechanical and electrical); Loading and unloading of goods (industrial and/or commercial) and Mobile plant and vehicles (these need to be an intrinsic part of the overall sound from premises or process) located at the site shall not exceed the existing background level at any premises used for residential purposes (in this case the hospital where patients are located) when measured and corrected in accordance with BS 4142: 2014.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

21. The development shall begin not later than five years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of The Town and Country Planning Act 1990.

### Informatives

1. The Council's Service Manager Infrastructure has advised that the development for which full planning permission has been granted is one that requires SUSTAINABLE DRAINAGE APPROVAL BEFORE WORKS COMMENCE ON SITE. This is a separate legislative requirement introduced by Schedule 3 of the Flood and Water Management Act 2010 which came into effect in Wales on 7th January 2019. Applications for sustainable drainage approval relating to developments in Blaenau Gwent are being processed by Caerphilly County Borough Council. Further information in relation to this requirement can be found at <https://www.blaenau-gwent.gov.uk/en/resident/planning/how-to-apply-for-planning-permission/permission-for-drainage/>
2. The developer is reminded of his/her obligation under the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 to give notification of commencement of

	<p>development to the Local Planning Authority and to display a notice at all times when the development is being carried out.</p> <p>3. The new access junctions and highway accommodation works are to be completed via a section 278 agreement with the highway authority. No highway works are to commence until this agreement is completed</p> <p>4. If it is the intention to offer the access roads for adoption to the highway authority this will need to be subject to a section 38 agreement under the Highways Act 1980</p>
<b>8. Risk Implications</b>	
8.1	No risks identified.

<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to:</b>	Planning, Regulatory & General Licensing Committee
<b>Report Subject:</b>	<p><i>Application:</i> C/2021/0253</p> <p><i>Site:</i> Premier Club, William Street, Cwm, Ebbw Vale</p> <p><i>Proposal:</i> Conversion of ex social club into 2 no dormer bungalows including removal of extensions and outbuildings, rebuilding of front elevation and increasing height of building to create upper floor and new roof structure</p>
<b>Report Author:</b>	Lesley Taylor – Planning Officer
<b>Directorate:</b>	Regeneration and Community Services
<b>Date of meeting:</b>	3 <sup>rd</sup> March 2022

## **1.0 Purpose of Report**

- 1.1 To consider planning conditions that reflect the resolution by Members to grant planning permission made at 3<sup>rd</sup> February 2022 Planning Committee meeting for, the conversion of ex social club into 2 no dormer bungalows and associated works at the Premier Club, William Street, Cwm.

## **2.0 Background & Context**

- 2.1 Officer recommendation was that the development be refused on the basis that it constituted highly vulnerable development in Flood Risk Area (Zone C1 – DAM and Zone 3 – Flood Risk Maps) and due to the potential negative impact of development on

mature trees in the vicinity of the site, some of which are the subject of a Tree Preservation Order.

2.2 Members were of the view that there was no known history of flooding at this, or other properties in the area, and as such the development was not considered to be at risk. Members were of the opinion that we could require the applicant to ensure that flood risk mitigation measures be incorporated within the development.

2.3 Discussion ensued over the protection of mature trees in the vicinity of the site, some the subject of a Tree Preservation Order, whereby it was concluded that subject to a robust Tree Survey that included mitigation measures to safeguard those trees, such concerns may be overcome.

### **3.0 Recommendation**

3.1 Members consider the inclusion of the following conditions on the planning permission to be issued for the development in question:

1. The development hereby approved shall be carried out in full accordance with the following plans and details:

- Site location plan (scale 1:1250) received 5<sup>th</sup> August 2021;
- Drg ref 21/AP/105 – Proposed elevations received 5<sup>th</sup> August 2021;
- Drg ref 21/AP/104 – Proposed floor plan layouts received 5<sup>th</sup> August 2021;
- Drg ref 21/AP/103 – Proposed site location plan (scale 1:125) received 5<sup>th</sup> August 2021;
- Drg ref 21/AP/106 – Proposed refuse enclosures received 22<sup>nd</sup> June 2021,

Unless otherwise specified by conditions 2 to 7 below.

Reason: To clearly define the scope of this permission.

2. No development shall take place until details of the flood risk measures to be incorporated within the dwellings hereby approved have been submitted to and approved in writing by the

Local Planning Authority. Such measures as may be approved shall be implemented in full before the dwellings are occupied.

Reason: To ensure the development is carried out in a safe and satisfactory manner and to mitigate the risk of flooding to future occupants.

3. No development shall take place (including demolition, ground works or vegetation clearance) until a Construction Environmental Management Plan (Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include details of the following:

- a risk assessment of any potentially damaging construction activities;
- identification of “biodiversity protection zones”;
- practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- the location and timing of sensitive works to avoid harm to biodiversity features;
- the times during construction when specialist ecologist need to be present on site to oversee works;
- responsible persons and lines of communication;
- the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and
- the use of protective fences, exclusion barriers and warning signs.

The CEMP shall be strictly implemented and adhered to throughout the construction period in full accordance with the approved details.

Reason: To protect biodiversity interests and ensure that suitable measures are taken to mitigate any adverse impacts on biodiversity.

4. Notwithstanding the details outlined in the Tree Survey submitted with the application, no development shall take place until a revised tree survey that accords with BS5857 has been submitted to and approved by the Local Planning Authority. The

revised survey must have due regard for all trees located within the vicinity of the site, including those to the north west boundary that are the subject of a Tree Preservation Order. It shall include, but is not restricted to the following:

- full details of excavation methods to be used within the root protection zones of trees;
- details of surfacing materials to be used for the proposed driveway;
- full details of protective measures to retained trees to be in effect for the duration of the development.

Reason: To ensure adequate protection of the landscaped features of the site and the surrounding area, and to ensure no harm occurs to protected trees as a result of the development.

5. Notwithstanding the details shown on the approved plans, none of the dwellings hereby approved shall be occupied until the access, driveway and parking areas are constructed, surfaced and drained in accordance with details which must be submitted to and approved in writing by the Local Planning Authority before works commence on site. The areas provided shall be retained for their designated purposes at all times.

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

6. None of the dwellings hereby approved shall be occupied until all external finishes shown on the approved plans have been applied in full.

Reason: To safeguard visual amenity interests.

7. No development shall take place on site outside of the following hours – 8.00hrs to 17.00hrs Monday to Friday; 8.00hrs to 13.00hrs on Saturdays. No development shall take place on Sundays or Bank Holidays.

Reason: To safeguard the residential amenity of the occupiers of nearby properties.

8. Standard time limit (full planning permission).

Informative Notes



1. The works proposed are deemed to be highly vulnerable development that lie within an identified flood zone. In seeking to discharge condition 2 of this permission, the developer must ensure the details submitted for consideration have due regard for guidance outlined in Appendix 1 of Technical Advice Note (TAN) 15 – Development and Flood Risk, July 2004 or other legislation in effect at the time of submission, in order for the proposed measures to protect future occupants of the dwellings from risk of flooding.
  
2. Before works commence on site, the developer is advised to contact Welsh Water Dwr Cymru to secure any agreements that may be required to secure connection of proposed drainage to the public sewerage system.

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<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>Appeals, Consultations and DNS Update March 2022</b>
<b>Report Author</b>	<b>Service Manager Development &amp; Estates</b>
<b>Report Date</b>	<b>9<sup>th</sup> February 2022</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>3<sup>rd</sup> March 2022</b>

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To update Members in relation to planning appeal and related cases.
<b>2.0</b>	<b>Present Position</b>
2.1	The attached list covers the “live” planning appeals and Development of National Significance (DNS) caseload.
<b>3.0</b>	<b>Recommendation/s for Consideration</b>
3.1	That the report be noted.

	Application No Appeal Reference Case Officer	Site Address	Development	Type Procedure	Sit Rep
1	C/2020/0227 APP/X6910/A/21/3278965 Les Taylor	Land adjoining Coed Cae Farm House, Rassau, Ebbw Vale	Outline for a single detached dwelling with parking	Refusal of planning permission  Written Reps	Decision received <b>Appeal Dismissed</b>  Refer to separate report on this agenda

<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 Appeal Update: Land adjoining Coed Cae Farm House, Rassau, Ebbw Vale</b>
<b>Report Author</b>	<b>Lesley Taylor</b>
<b>Directorate</b>	<b>Regeneration and Community Services</b>
<b>Date of meeting</b>	<b>3<sup>rd</sup> March 2022</b>

## **1. Purpose of Report**

1.1 To advise Members of the decision of Planning & Environment Decisions Wales in respect of a planning appeal against the refusal to grant outline planning permission for a single detached dwelling with parking on land adjoining Coed Cae Farm House, Rassau, Ebbw Vale (planning application ref C/2020/0227).

## **2.0 Scope of the Report**

2.1 Planning permission was refused under delegated powers on 18<sup>th</sup> January 2021. The decision notice included 2 reasons for refusal:

- a) It was considered that a dwelling of the scale proposed, sited in such close proximity to existing properties and associated curtilages, would result in an unacceptable loss of privacy and would have an adverse and overbearing impact on the residential amenities of the occupants of neighbouring dwellings and future occupants of the property; and
- b) By virtue of the its siting and indicative design, the proposed dwelling does not adequately respect the settlement pattern and form of surrounding residential properties and would result

in a development that would be at variance with its locality to the detriment of the visual amenities of the area.

2.2 In reaching her decision, the Inspector noted that the site had been the subject of an earlier appeal that had been dismissed on the basis it would have an unacceptable dominating visual impact when viewed from private amenity space at 26 & 27 Coed Cae and Coed Cae Farm House, and concerns regarding overlooking and loss of privacy between existing properties and the proposed dwelling. Whilst the agent for the current proposal contended that the indicative dwelling on the current application for outline permission had addressed the former Inspector's concerns, she concluded she did not share this view and that the dwelling currently proposed would have an unacceptable and oppressive impact on the occupants of Coed Cae Farm House when using private rear amenity space.

2.3 The Inspector was also of the opinion that there was likely to be overlooking of the private amenity space serving no.'s 26 and 27 Coed Cae and the visual impact a gable wall of significant mass when viewed from the rear of 26 and 27 Coed Cae and respective rear gardens would have an unacceptable dominant visual impact.

2.4 A change in the ownership of Coed Cae Farm since the appeal was submitted brought into dispute the size of the appeal site and the validity of the certificate of ownership (A) submitted with the planning application. The Inspector also noted that changes proposed to a window opening in gable end of Coed Farm House to prevent overlooking of the proposed dwelling was no longer in the applicant's gift. She concluded however that as the new land owner is clearly aware of the development and has had the opportunity to make representation at the appeal stage, she considered that no injustice had been caused by this procedural error.

2.5 The Inspector did not agree with the second reason for refusal, noting that the dwelling would be viewed in surroundings that are mixed in terms of design, form and scale and the indicative design would not therefore appear at odds with the settlement pattern or a variation in the built form. On such basis she was of the view that the development did not conflict with Policies DM1 2 b and DM2 a and b.

2.6 However, she concluded that this did not outweigh the harm to the living conditions of neighbours and future occupants of the development

site, and was of the view that the development is in conflict with Policy DM1 2 c of this Council's adopted Local Development Plan (LDP).

2.7 The Inspector accordingly DISMISSED the appeal.

### **3. Recommendation/s for Consideration**

3.1 That Members note for information the appeal decision for planning application C/2021/0182 as attached at **Appendix A**.

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## **Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 09/11/2021

**gan** Melissa Hall BA(Hons), BTP, MSc,  
MRTPI

**Arolygydd a benodir gan Weinidogion  
Cymru**

**Dyddiad: 07/02/2022**

## **Appeal Decision**

Site visit made on 09/11/2021

**by** Melissa Hall BA(Hons), BTP, MSc,  
MRTPI

**an Inspector appointed by the Welsh  
Ministers**

**Date: 07/02/2022**

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**Appeal Ref: APP/X6910/A/21/3278965**

**Site address: Land adjoining Coed Cae Farm House, Rassau, Ebbw Vale, NP23  
5TP**

**The Welsh Ministers have transferred the authority to decide this appeal to me  
as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr A Preece against the decision of Blaenau Gwent County Borough Council.
  - The development proposed is a single detached dwelling with parking.
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### **Decision**

1. The appeal is dismissed.

### **Procedural and Preliminary Matters**

2. The application was made in outline form with matters of access, layout and scale to be agreed and only appearance and landscaping reserved for subsequent consideration. Although the appellant has provided and referred to scale parameters in the submissions, i.e. details of the upper and lower limits of the proposed dwelling, as layout and scale are to be considered at outline stage, I have taken the dimensions of the proposed dwelling to be that shown on the submitted Elevations, Section and Site Layout drawing. I have, however, treated the appearance of the dwelling as indicative.
3. There is a dispute regarding the size of the appeal site, namely the inclusion of a single storey outbuilding situated on the common boundary with Coed Cae Farm House within the red line boundary denoting the application site. The submitted Site Layout plan shows the demolition of the outbuilding and the erection of a close boarded fence along the boundary line, together with the laying of a patio which would encroach into the area of land formerly occupied by the outbuilding. The owner of Coed Cae Farm House states that this parcel of land and the outbuilding is within his ownership rather than that of the appellant's and, to this end, provides extracts from the HM Land Registry Title Plan which

allegedly shows the correct boundary line<sup>1</sup>. I note that the appellant submitted Ownership Certificate A with the planning application and subsequent appeal, confirming that he owns all the land to which the application relates. Of course, it is important that considerations of natural justice are taken into account. In this instance, it is clear that the adjoining land owner is aware of the scheme and has had the opportunity to make representations in respect of the same. Whilst there may be some procedural error, there has been no injustice caused by any failure to serve the correct ownership certificate. Furthermore, the disputed area of land is a relatively small parcel of land which the Site Layout plan does not show as being fundamental to the development of a single dwelling on the plot.

4. As I understand it, at the time of making the application the appellant was the owner of the appeal site and the adjacent Coed Cae Farm House. Accordingly, the submitted Section A-A drawing shows that the first floor windows in the side elevation of the existing dwelling, facing towards the appeal site, would be infilled. However, Coed Cae Farm House has since been sold, and the ability to change these windows to restrict the overlooking of the appeal site is no longer in the control of the appellant. Rather, the new owner has confirmed that one window is clear glazed and serves a bedroom whilst the other is obscurely glazed and serves a bathroom. I have taken into account this change in circumstances since the Council's determination of the application in coming to my decision.

### **Main Issues**

5. The main issues are the effect of the proposed development on the living conditions of neighbours and future occupants and on the character and appearance of the area.

### **Reasons**

#### *Living conditions*

6. The appeal site is a roughly rectangular plot of land with a frontage onto a cul-de-sac turning head. It lies within a primarily residential area and adjoins the rear gardens of 26 and 27 Coed Cae to the north, 28 Coed Cae to the west and Coed Cae Farm House to the east. Although the site itself is relatively flat, there is a change in ground level to the rear boundary which results in No's 26 and 27 being at a higher ground level than the appeal site.
7. The Site Layout drawing shows a dwelling measuring 9 metres deep by 10 metres wide with an eaves height of 2.7 metres and a ridge height of 7 metres. The dwelling would be sited in close proximity to the boundaries with the adjoining properties at Coed Cae and Coed Cae Farm House. Given the change in ground levels between the gardens of No's 26 and 27, and notwithstanding the close boarded fencing and vegetation screening the boundary in part, these neighbouring dwellings have habitable room windows looking out over the appeal site and at a relatively close proximity. In respect of Coed Cae Farm House, one of the side facing first floor windows serves a bedroom and overlooks the front portion of the appeal site from a close distance.
8. My attention has been drawn to a previous appeal for a dormer bungalow on the site<sup>2</sup>, in which the Inspector concluded that '*...a dormer bungalow of the dimensions proposed would have an unacceptable dominating visual impact for occupiers of one or more of*

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<sup>1</sup> Two Land Registry plans have been provided; one shows a larger part of the appeal site as being within the red line boundary (not just the outbuilding) whereas the other shows part of the same parcel of land coloured green. No explanation has been provided of the difference between the plans and what it is intended to denote.

<sup>2</sup> Appeal ref. APP/X6910/A/18/3212894

*above properties, due to its proximity to the appeal site's northern and / or eastern boundaries, depending on the precise siting chosen'. He adds that 'Even if the subsequent design details were configured so as to properly reflect a dormer bungalow<sup>3</sup> it is highly likely that the resulting dwelling would also have one or more first floor windows facing habitable room windows or overlooking private amenity spaces at close range. The likely inter-visibility between windows in existing dwellings and the appeal proposal would result in an inadequate standard of privacy for occupiers of the existing dwelling and for future occupiers of the new dwelling.'*

9. I note the appellant's contention that the design of the proposed dwelling has been amended to address the previous Inspector's concerns, including: (i) its re-orientation so that a gable wall rather than a side elevation and ridge line faces the two neighbouring properties in Coed Cae, (ii) its floor level some 1.5 metres lower than the neighbouring properties in Coed Cae (iii) its siting such that it would create generous amenity areas which, due to the difference in level and the screening by the wall fences and shrubs, would be largely private and (iv) no windows at first floor that would face directly towards neighbouring properties.
10. Owing to the restricted size and nature of the site, the proposed dwelling would be sited in close proximity to the rear boundary with 26 and 27 Coed Cae. Whilst it has been shown that the dwelling could be orientated differently from that the subject of the previous appeal, the effect of turning the ridge line so that it would run in an north-south direction would nonetheless be a direct and close view of a gable wall of significant mass from within the rear facing habitable room windows of Nos 26 and 27 and from their respective rear gardens. I recognise that the slab level of the proposed dwelling would be lower than that of the neighbouring properties, however such a change in ground level would not overcome the proposed development's unacceptable dominating visual impact when seen from the neighbouring dwellings and their private rear amenity space. A further impact of the change in the direction of the ridge line would be that the western boundary of Coed Cae Farm House would feel enclosed by the considerable massing of the east facing roof slope of the proposed dwelling, not least due to its close proximity. To this end, the dwelling would have an unacceptable and oppressive impact on the occupants of Coed Cae Farm House when using the closest part of their private rear amenity space and when seen from the nearest habitable room windows.
11. I do not dispute that in amending the design of the dwelling there would potentially be no first floor windows facing towards Nos 26 and 27. Consequently, and assuming that the first floor accommodation could be provided with adequate natural light and outlook without a window in this elevation, it would overcome one of the previous Inspector's concerns regarding the inter-visibility between the habitable room windows of the Coed Cae dwellings and the proposed dwelling. Nevertheless, the concerns regarding the overlooking of the private amenity space serving the proposed development from Nos 26 and 27 remains. I also note the change in circumstances in respect of the first floor windows in the side elevation of Coed Cae Farm House; the new owner has confirmed that one of the windows which faces the appeal site serves a habitable room.
12. Hence, even acknowledging the presence of the means of enclosure along the common boundary, the overlooking impact from the habitable room windows of the neighbouring dwellings at close range would adversely affect the privacy that the future occupants of the proposed dwelling should reasonably expect to enjoy. Furthermore, based on the

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<sup>3</sup> The proposal was in outline form with all details reserved for subsequent consideration.

site's layout shown on the submitted plans, large parts of the amenity space would be visible from the public realm given the position of the dwelling and the parking spaces. This matter only adds to my concern regarding the harm to the living conditions of future occupants arising from overlooking of the already modest areas of private amenity space.

13. As appearance has been reserved for subsequent consideration, I do not have before me details of what rooms any window in the northern elevation at first floor or the roof lights, as indicated on the drawings, would serve and whether it would be appropriate to obscurely glaze any of those windows in the interest of protecting privacy. However, as I have found harm for other reasons, I have taken this matter no further.
14. In the context of the above, the proposal would conflict with Policy DM1 2c of the adopted Blaenau Gwent Local Development Plan (LDP) 2012 which requires new development to have no unacceptable impact upon the amenities of neighbouring occupiers.

#### *Character and appearance*

15. In coming to a conclusion in respect of this matter in the previous appeal, the Inspector stated that *'I do not consider that the site's characteristics, in terms of its dimensions or its relationship to the surrounding built form, is such that a dwelling in this location would be out of keeping with the existing built form or appear as an unduly cramped form of development'*.
16. There is nothing in the submissions before me, although accepting that the siting and design of the dwelling has been amended from the previously submitted scheme, which would lead me to a different conclusion to the previous Inspector. The site's dimensions continue to be modest and the siting of the proposed dwelling in terms of its relationship with its surroundings would not alter significantly. Although the Council takes issue in its delegated report with the alignment of the proposed dwelling in relation to Coed Cae Farm House, I do not consider that a set building line is established by this single existing dwelling which forms only part of the context of the surrounding area. Whilst I acknowledge that the proposal is for a single storey dwelling which would be orientated such that a gable faces the highway, it would be viewed in surroundings that are mixed in terms of the design, form and scale of the dwellings. Hence, I cannot conclude that the proposed dwelling would be at odds with the settlement pattern or the variation in the surrounding built form. Thus, I do not find conflict with LDP Policies DM1 2b and DM2 a and b in this regard. Be that as it may, this matter does not outweigh the harm to the living conditions of neighbours and future occupants of the proposed dwelling that I have already described.

#### **Other Matters**

17. In support of the proposal, the appellant cites a recent development of two dormer style bungalows in Beaufort, Ebbw Vale. Although I have been provided with photographs of the same, I do not have the full details of the development or the circumstances which resulted in it coming into being. The appellant draws similarities between that site and the appeal site insofar as the bungalows are constructed 7 metres away from a boundary with several smaller bungalows, the total separation distance is 12 metres from window to window and the new development is higher than the existing bungalows resulting in overlooking. However, I also consider that there are distinct differences, not least the separation distance between the proposed dwelling and the boundaries with neighbouring properties. In any event, each proposal must be determined on its own merits and the development cited does not justify what is otherwise an unacceptable form of development.

## **Conclusion**

18. For the reasons I have given, and having regard to all matters raised, the appeal is dismissed.

19. 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 the Welsh Ministers' well-being objective of making our cities, towns and villages even better places in which to live and work.

*Melissa Hall*

Inspector

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# Agenda Item 8

Report Date: 17 February 2022

Report Author: Kath Rees

<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>List of applications decided under delegated powers between 24<sup>th</sup> January 2022 and 16<sup>th</sup> February 2022</b>
<b>Report Author</b>	<b>Business Support Officer</b>
<b>Report Date</b>	<b>3<sup>rd</sup> March 2022</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>3rd March 2022</b>

<b>1.0 Purpose of Report</b>
1.1 To report decisions taken under delegated powers.
<b>2.0 Scope of the Report</b>
2.1 The attached list deals with the period 24 <sup>th</sup> January 2022 and 16 <sup>th</sup> February 2022.
<b>3.0 Recommendation/s for Consideration</b>
3.1 The report lists decisions that have already been made and is for information only.

<b>Application No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Valid Date Decision Date</b>
C/2022/0012	Southend Allotment Gardens Rhyd Terrace Tredegar	Tree Preservation Order No. BG 46 - Application for light pruning to Lime Trees (tree numbers T1, T15 & T16).	13/01/22 11/02/22 Approved
C/2021/0359	Cwmrhydderch Court Cwm Ebbw Vale	Application for Prior Notification of proposed Demolition of Cwmrhydderch Court, Cwm, Ebbw Vale.	26/11/21 31/01/22 Prior Approval Granted
C/2021/0357	Flats 1-12 Darby Crescent Hilltop Ebbw Vale	Prior notification of demolition of two storey buildings of 12 flats.	26/11/21 02/02/22 Prior Approval Granted
C/2021/0346	Units 1 - 4 McDonalds Blaina Road Lakeside Retail Park Brynmawr	Installation of 6 no. Fascia Signs (including roof letters and the 'M' logo letter).	10/11/21 08/02/22 Approved
C/2021/0367	Princes Court Flats Newtown Ebbw Vale	Application for Prior Notification of proposed Demolition of Princes Court Flats, Newtown, Ebbw Vale. The two buildings are flat roof buildings, four storeys tall with associated garages; which were built in the 1970's as social housing. The buildings no longer complies with the appropriate residential standards by Ty Calon Community Housing Limited.	26/11/21 27/01/22 Prior Approval Granted



C/2021/0360	1, 3, 5, 7, 9 & 11 The Rise Nantyglo	Application for Prior Notification of proposed Demolition of 1, 3, 5, 7, 9 & 11 The Rise, Nantyglo.	26/11/21 03/02/22 Prior Approval Granted
C/2021/0339	Land at Waun Y Pound Industrial Estate Access Road West Ebbw Vale	Proposed light industrial units (B1).	19/08/21 08/02/22 Approved
C/2021/0361	1-6 Llangynidr Road Ebbw Vale	Application for Prior Notification of proposed Demolition of 1 - 6 Llangynidr Rd, Beaufort, Ebbw Vale.	26/11/21 02/02/22 Prior Approval Granted
C/2021/0381	Former Greenacres Hostel & no.16 St Lukes Road Tredgar	Application for Discharge of Condition 10 (Street Lighting) of planning permission C/2018/0191 (Construction of 22 no. affordable homes (comprising 18 no. general needs affordable homes & 4 no. assisted living residential units) and associated works).	14/12/21 31/01/22 Condition Discharged
C/2021/0382	Units 1-4 Lakeside Retail Park Blaina Road Brynmawr	Installation of double sided illuminated tenant directory totem sign.	15/12/21 03/02/22 Approved
C/2021/0336	53 Golwg Y Mynydd Nantybwh Tredgar	Demolition of lean-to garage and new double storey pitched roof extension to side with lean-to porch to front.	28/10/21 26/01/22 Approved

C/2021/0350	Bryn Bach Country Park Merthyr Road Tafarnaubach Tredegar	The construction of two pods to create a co working office hub.	18/11/21 09/02/22 Approved
C/2022/0006	Land at Northgate Steelworks Road Ebbw Vale	Discharge of condition of Condition 12 Highway works of planning permission C/2020/0201 - Proposed Residential Development and Associated Works.	17/01/22 04/02/22 Condition Discharged
C/2022/0022	Site of Former Nursery School Queen Street Brynmawr	Non Material Amendment for elevation changes to the rear to remove centre gable and change glazing, to make the building 1 metre deeper & to change external materials of planning permission C/2020/0118 (Detached house & garage).	31/01/22 10/02/22 Approved
C/2022/0034	Hylandee 99 Queen Street Nantyglo	Application for Non-material amendment to condition 1 of planning permission C/2021/0340 to substitute plans to increase the eaves height from 2300mm to 2500mm and increase the ridge height from 3000mm to 3400mm.	09/02/22 10/02/22 Approved
C/2021/0307	Former Monwell Building Letchworth Road Ebbw Vale	Change of use from sheltered workshop to D1 use (Education/Training Centre). Alterations to external fabric of the building including wall cladding & roof finishes (incl photovoltaic panels); construction of new first floor to central area & increase in part roof height; installation of new plant & associated site works.	12/10/21 24/01/22 Approved
C/2022/0005	McDonald's Restaurant The Walk Ebbw Vale	Two infill extensions one to be used as a dry store and one to be used as a courier collection entrance, new shopfront, corral (bin and waste management area to improve the recycling facilities) and dry store with associated works.	12/01/22 14/02/22 Approved

C/2021/0379	Plot 4 Mount Pleasant View Georgetown Tredegar	Construction of a new detached dwelling and integral garage on vacant plot including access, services and landscaping.	05/01/22 07/02/22 Approved
C/2021/0384	64 Pentwyn Ebbw Vale	Part retrospective application for retaining wall in rear garden to form level patio area.	17/12/21 08/02/22 Approved
C/2021/0385	52 Bethcar Street Ebbw Vale	Proposed rear second storey extension and external stairs and conversion of first and second floors to 2 flats.	16/12/21 04/02/22 Approved
C/2019/0313	Land adjacent and to the north of Llys Glyncoed College Road Ebbw Vale	Application to vary condition 1 - revised plans to reflect changes to design and site layout; condition 3 - to consider revised drainage details; condition 10 - to consider boundary treatments, landscaping and ancillary structures of planning permission C/2017/0338.	13/11/19 04/02/22 Approved

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

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