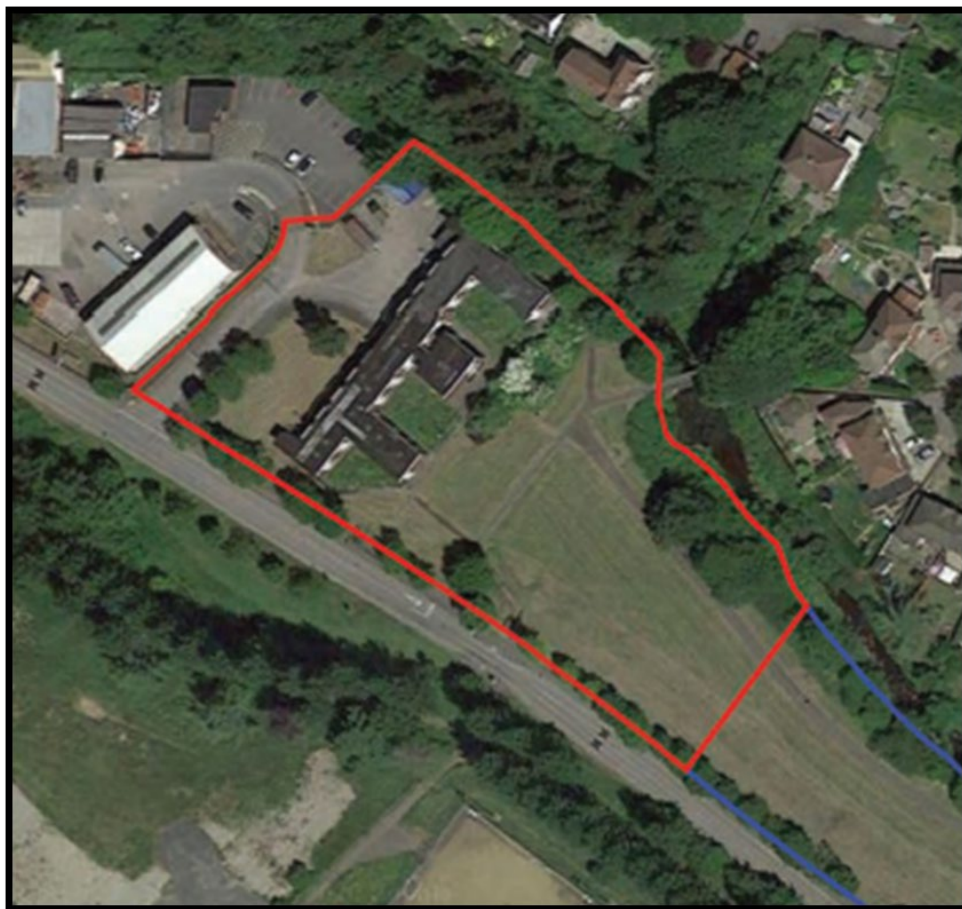


## Planning Report

<b>Application No:</b> C/2021/0179	<b>App Type:</b> Full
<b>Applicant:</b> Tai Calon Solis One Griffin Lane Rising Sun Industrial Estate Abertillery NP13 3JW	<b>Agent:</b> Mr Jonathan Pritchard Stride Treglown Treglown Court Dowlais Road Cardiff United Kingdom CF24 5LQ
<b>Site Address:</b> Glanyrafon Court and adjacent grounds, Site of former sheltered housing at Allotment Road, Ebbw Vale, NP23 5NS	
<b>Development:</b> Construction of 15 residential dwellings with a new road, car parking, gardens, hard and soft landscaped areas.	
<b>Case Officer:</b>	Steve Smith



## 1. Background, Development and Site Context

- 1.1 Full planning permission is sought for residential development on the site of the former Glan yr Afon Court housing site and an area of adjoining undeveloped grassland to the southeast. The developable area is limited to the land within the redline boundary. The proposed residential development would provide 15 affordable units and comprise of one and two storey buildings in the form of a mixture of flats, short terrace of bungalows and semi-detached houses. The proposed bungalows and ground floor flats would be designed to accommodate wheelchair access in order to meet the needs of potential residents with limited mobility. The number of house types are split as follows:
- 3no. 2 bedroom bungalows;
  - 4no. 1 bedroom flats;
  - 4no. 2 bedroom houses; and
  - 4no. 3 bedroom houses.
- 1.2 The proposed residential development has been orientated so that it primarily fronts on to the new internal access road. The proposed bungalows and semi-detached houses would be located on the south-western and north-eastern sides of the internal road respectively, while the proposed flats would be located at the south-eastern end adjacent to the new vehicular turning head. The existing footpath that links Cambridge Gardens and Ebbw View to Allotment Road would be redirected around the side and rear of the proposed flats, and the existing public green spaces to the sides and rear of the proposed residential buildings would be enhanced through tree, shrub and wildflower planting (see Figures 1, 2 and 3 below). The footpath will be open for public use.
- 1.3 The existing vehicular access which previously served the former sheltered housing at Glan yr Afon Court would be utilised as the main access into the residential development. A total of 22 off-street car parking spaces are proposed which are generally located to the front of the residential buildings.

1.4



Figure 1 – Proposed Site Layout

1.5



Figures 2 – Site Sections

1.6



Figure 3 – landscaping arrangement

1.7

The application site comprises of a broadly rectangular parcel of land measuring approximately 0.8ha in area. The north-western part of the site comprises of brownfield land which previously accommodated the former sheltered housing complex at Glan yr Afon Court. Whilst the latter has now been demolished, the tarmac surfaced car parking area on the northern part of the site remains in place along with some other minor infrastructure. From this upper part of the site, the land slopes gently down to a slightly lower area of amenity grassland with some trees along the fringes. This area of greenfield land predominantly characterises the central and south-eastern part of the site and is crossed by a number of footpaths.

1.8

Whilst the level changes within the main part of the site are not significant, the land does rise steeply to Allotment Road, which bounds the south-western boundary of the site. The land also slopes steeply down to the River Ebbw which bounds the north-eastern boundary. On the other side of the river lie the residential properties of Cambridge Gardens and Ebbw View. The north-eastern boundary of the site adjoins business and commercial uses, while the south-eastern boundary adjoins the remaining amenity grassland and footpath area which continues to follow the bank of the river down towards the residential area of Glanyrafon. The application site is also largely open to the surrounding area, with existing boundary treatments only evident in the northern corner of the site (metal palisade fencing) and along a section of the north-eastern boundary (low brick wall) separating the former Glan yr Afon site and the bank of the River Ebbw.

1.9	In addition to the detailed plans showing the proposed site layout and floor plans/elevations of the proposed houses, the applicant has submitted supporting information which includes hard and soft landscaping plans, a Planning, Design and Access Statement, a Tree Survey, an Arboricultural Impact Assessment, an Ecology Report and Ecology Update Letter, a Drainage Strategy and Flood Risk Assessment, an Intrusive Mining Risk Assessment Report, a Remediation Strategy Report and a Geotechnical Letter Report.
1.10	The applicant also undertook statutory pre-application consultation prior to the submission of the planning application, which included publicising a draft of the proposed residential development and consultation with the community and specialist consultees, including ward members. A Pre-Application Consultation Report has been submitted with the planning application.

**2. Site History**

	Ref No	Details	Decision
2.1	C/2019/0027	Prior notification of the proposed demolition of 1-29 Glan yr Afon Court	Confirmation of requirement for prior approval given on 29 <sup>th</sup> February 2019

**3. Consultation and Other Relevant Information**

3.1	<b><u>Internal BG Responses</u></b>
3.2	<u>Team Leader Building Control:</u> Building regulations is required.
3.3	<u>Service Manager Infrastructure:</u> Highways: The Team Manager – Built Environment has confirmed that the proposed access road, footways, turning areas and off-street car parking provision are acceptable to the Highway Authority and no objection has been raised to the proposed residential development. He has also confirmed that the detailed requirements relating to these matters can be secured via the use of conditions.
3.4	Drainage: No response received from Council’s Drainage Engineer.



3.5	<p><b>Ground Stability:</b> No response received from Council's Geotechnical Engineer.</p>
3.6	<p><b>Landscape:</b> The Team Manager – Natural Environment has raised no objection to the proposed residential development, indicating that the detailed landscape strategy would more than compensate for the loss of any low value trees identified for removal. He also indicates that the trees to be removed are unmanaged or overgrown shrubs, or trees which are damaged, diseased or of low quality. As such, he has raised no objection to the proposed residential development subject to the erection of tree protection fencing around the root protection zone of those trees, and groups of trees, to be retained prior to any construction work.</p>
3.7	<p><b>Ecology:</b> The Council's Ecologist is satisfied with the findings of the initial Ecology Report and update survey, and has indicated that provided that the recommendations outlined within the reports are implemented there should be no long term negative impacts on local ecology. No objection to the proposed residential development has therefore been raised; however, a number of advisory notes have been recommended.</p>
3.8	<p><b><u>Service Manager Public Protection:</u></b> The Specialist Environmental Health Officer has raised no objection in principle to the proposed residential development, but has requested the imposition of a standard conditions relating to land contamination and a Construction Method Statement.</p>
3.9	<p><b><u>Team Leader Leisure</u></b> A commuted sum towards upgrading outdoor play facilities in line with the requirements of the adopted Planning Obligations Supplementary Planning Guidance has been requested. Glyncoed play area and ball court has been identified as the existing facility where the commuted sum would be spent.</p>
3.10	<p><b><u>External Consultation Responses</u></b></p>
3.11	<p><b><u>Natural Resources Wales (NRW):</u></b> NRW has raised no objection in principle to the proposed residential development, indicating that the proposal is adjacent to, but not within, a Zone C2 Flood Zone. Attention is also drawn to the potential need for a flood risk activity permit and relevant pollution prevention advice and guidance due to the application site's close proximity to the River Ebbw.</p>
3.12	<p><b><u>Welsh Water (WW):</u></b></p>

	<p>WW has indicated that the proposed development is crossed by a trunk/distribution watermain and no part of any building is permitted within the required easement of 3.85m either side of the centre line of the watermain. However, it may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991 and the cost of which will be charged to the developer. WW has also confirmed that capacity exists within the public sewerage network to only receive the domestic foul flows from the proposed development. Surface water must be dealt with via Sustainable Drainage Systems (SuDS).</p>
3.13	<p><u>Western Power &amp; W&amp;W Utilities:</u> Approximate position of apparatus in the vicinity of the application site is highlighted.</p>
3.14	<p><b><u>Public Consultation:</u></b></p> <ul style="list-style-type: none"><li>• 16 letters to nearby houses</li><li>• 8 site notice(s)</li><li>• press notice</li><li>• website public register of applications</li><li>• ward members by letter</li><li>• all members via weekly list of applications received</li><li>• other</li></ul>
3.15	<p><u>Response:</u> As a result of the public consultation exercise, objections to the proposed residential development have been received from 28 individuals and a petition has been submitted containing 36 signatories. The objections received are summarised as follows:</p>
3.16	<ul style="list-style-type: none"><li>• The application is being considered too quickly and more time should be allowed for proper public consultation (e.g. a public meeting) and further impact assessments to be undertaken.</li></ul>
3.17	<ul style="list-style-type: none"><li>• Approval of this development would set a dangerous precedent which could undermine the sustainability of parks and similar services throughout the whole of Blaenau Gwent.</li></ul>
3.18	<ul style="list-style-type: none"><li>• The park is well used and makes a significant contribution to the mental and physical health and wellbeing of all its users (both adults and children), particularly during the time of a pandemic when gyms and other facilities have been closed.</li></ul>
3.19	<ul style="list-style-type: none"><li>• The park is unique and difficult to replace given its accessible riverbank setting.</li></ul>
3.20	<ul style="list-style-type: none"><li>• The park is already small in comparison to other parks in Blaenau</li></ul>

3.21	<p>Gwent and the development proposed will involve what appears to be over 25% of the current area available to park users.</p> <ul style="list-style-type: none"><li>• The proposed 15 dwellings would not have a significant positive impact on overall housing need, and such a substantial loss of parkland for such a limited increase in housing is too high a price for the local community.</li></ul>
3.22	<ul style="list-style-type: none"><li>• The proposed mitigation would not compensate for the loss of parkland and will definitely not enhance the existing facility.</li></ul>
3.23	<ul style="list-style-type: none"><li>• The development should be restricted to the existing footprint of the former sheltered housing scheme.</li></ul>
3.24	<ul style="list-style-type: none"><li>• The loss of any of the limited parkland we have in the area is not justifiable and approving the development would contradict the Local Development Plan (LDP) and detailed planning policies which presume against a reduction in parkland and open/amenity space. As a result, the decision could be referred to the Public Services Ombudsman for Wales.</li></ul>
3.25	<ul style="list-style-type: none"><li>• The proposed development exceeds the footprint of the previously developed land and the LDP Review 2017 shows that the Council is falling short of the target of 2.4 hectares per 1000 people for amenity land. As such, the loss of any amenity land will be contrary to the aim of increasing provision.</li></ul>
3.26	<ul style="list-style-type: none"><li>• The site is not allocated for the proposed development in the LDP.</li></ul>
3.27	<ul style="list-style-type: none"><li>• Any previous precedents of planning applications for housing refused on the basis of an unacceptable loss of open amenity/recreational space to the local community should be applied in this case.</li></ul>
3.28	<ul style="list-style-type: none"><li>• The submitted geotechnical remediation strategy report indicates the presence of contamination on the site.</li></ul>
3.29	<ul style="list-style-type: none"><li>• Natural Resources Wales' Flood Risk Map indicates that the site sits in a Zone B Flood Zone (areas known to have flooded in the past) and part of the park has flooded on a number of occasions in the past.</li></ul>
3.30	<ul style="list-style-type: none"><li>• The justification tests for the location of residential development in Technical Advice Note 15: Development and Flood Risk will not be met.</li></ul>
3.31	<ul style="list-style-type: none"><li>• Flooding risk may have implications for home insurance.</li></ul>
3.32	<ul style="list-style-type: none"><li>• The existing footpath which has been in place for more than 20 years will be substantially diverted.</li></ul>
3.33	<ul style="list-style-type: none"><li>• There are issues in respect of ground stability with the adjacent pavement and roadway showing signs of land slippage.</li></ul>
3.34	<ul style="list-style-type: none"><li>• Since the park has been transferred to Tai Calon, there has been a noticeable decline in the maintenance of the grounds, particularly grass cutting.</li></ul>
3.35	<ul style="list-style-type: none"><li>• The development will damage trees and destroy an area used by all</li></ul>



3.36	<p>manner of wildlife.</p> <ul style="list-style-type: none"> <li>The submitted studies need to be updated and extended to cover the application site. More specifically, the timing of the survey by Sturgess Ecology (dated 26th April 2021) means that NRW may not have received up to date information in respect of the presence of otters.</li> </ul>
3.37	<ul style="list-style-type: none"> <li>The development will add traffic to the area and cause disruption.</li> </ul>
3.38	<ul style="list-style-type: none"> <li>There are other more suitable sites for development elsewhere in the area.</li> </ul>
3.39	<ul style="list-style-type: none"> <li>The development appears to extend further into the park than what was proposed during the statutory pre-application consultation.</li> </ul>
3.40	<ul style="list-style-type: none"> <li>There are concerns that this could be a 'tip of the iceberg development' and the landowner may seek future approvals to develop further areas within the remainder of the park.</li> </ul>
3.41	<p>The Local Member of the Senedd, Alun Davies, has reiterated a number of local residents' concerns and objections specifically in relation to the loss of the well-used parkland/green space, the failure of mitigation measures to overcome the loss, the impact on local biodiversity/wildlife, conflict with LDP policies and inadequate public consultation during the pandemic. He has also stated that he is agreement with these objections.</p>
3.42	<p>Ward members from an adjoining ward have also queried the extent of the developable area and whether the diverted footpaths will be enclosed.</p>

**4. Planning Policy**

4.1	<p><u>Team Manager Development Plans:</u> The Team Manager – Development Plans has indicated that the type of open space within the application site was not included in the open space assessment that informed the adopted LDP and is satisfied that the proposed development would not result in an unacceptable loss of open space. As such, no objection has been raised in principle to the proposed residential development.</p>
4.2	<p>In terms of development viability, the Team Manager – Development Plans has also confirmed that the proposed development for affordable housing would be unviable if planning obligations were to be sought as part of the current planning application.</p>
4.3	<p><u>LDP Policies:</u></p> <ul style="list-style-type: none"> <li>SP4 Delivering Quality Housing;</li> <li>SP5 Spatial Distribution of Housing Sites;</li> <li>SP7 Climate Change;</li> </ul>

	<ul style="list-style-type: none"><li>• SP9 Active and Healthy Communities;</li><li>• SP10 Protection and Enhancement of the Natural Environment;</li><li>• DM1 New Development;</li><li>• DM2 Design and Placemaking;</li><li>• DM3 Infrastructure Provision;</li><li>• DM7 Affordable Housing;</li><li>• DM12 Provision of Outdoor Sport and Play Facilities;</li><li>• DM13 Protection of Open Space;</li><li>• DM14 Biodiversity Protection and Enhancement;</li><li>• DM16 Trees, Woodlands and Hedgerow Protection;</li><li>• ENV3 Sites of Importance for Nature Conservation; and</li><li>• SB1 Settlement Boundaries</li></ul> <p>4.4 <u>Future Wales</u></p> <ul style="list-style-type: none"><li>• Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking;</li><li>• Policy 7 – Delivering Affordable Homes;</li><li>• Policy 9 – Resilient Ecological Networks and Green Infrastructure; and</li><li>• Policy 12 – Regional Connectivity.</li></ul> <p>4.5 <u>Supplementary Planning Guidance</u></p> <ul style="list-style-type: none"><li>• Access, Car Parking and Design (March 2014);</li><li>• A Model Design Guide for Wales – Residential Development (March 2005); and</li><li>• Planning Obligations – Note 7 (September 2011).</li></ul> <p>4.6 <u>PPW &amp; TANs:</u></p> <ul style="list-style-type: none"><li>• Planning Policy Wales (Edition 11, February 2021);</li><li>• Technical Advice Note 12: Design (March 2016); and</li><li>• Technical Advice Note 15: Development and Flood Risk (July 2004).</li></ul>
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## 5. Planning Assessment

5.1	<p><u>Principle of Development</u></p> <p>The Blaenau Gwent LDP indicates that the application site lies within the settlement boundary within which development is normally permitted subject to other policies within the plan and relevant material considerations (Policy SB1). The site is not covered by any development allocations or designations according to the LDP proposals map. The Ebbw River Site of Importance for Nature Conservation (SINC) does, however, adjoin the site's north eastern boundary.</p>
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5.2	<p>As indicated in Section 1 above, the north-western part of the site comprises of brownfield land which previously accommodated the former sheltered housing complex at Glan yr Afon Court. As such, the principle of a residential use on this part of the site has previously been established and I am satisfied that the proposed residential development is compatible with the neighbouring commercial/employment uses located immediately to the north of the site. I am also of the view that residential development on the more central and south-eastern (greenfield) part of the site would be compatible with neighbouring land uses which primarily comprises of a mixture of residential and recreational type uses. As such, the proposed residential development meets the requirements of LDP Policy DM1 (criterion 2a) in respect of neighbouring land use compatibility.</p>
5.3	<p>The central and south-eastern part of the site is arguably best described as a type of amenity greenspace<sup>1</sup> and whilst this area of land is not covered by any LDP allocations or designations, development management policy DM13 does seek to protect existing open space from development proposals. Local residents are clearly of the view that this area of land is a valuable recreational resource which serves the local community. I also note that the written justification associated with LDP Policy DM13 provides a very broad definition of “open space” indicating that it includes all land that is available for use by the public for informal and formal recreational and leisure use (paragraph 7.74). Given these factors, I am of the view that LDP Policy DM13 is applicable in this instance and as such, the proposed residential development should be assessed against the relevant policy criteria. Firstly, it must be demonstrated that the site has no significant amenity, recreational or nature conservation value (criterion a). If this criterion is met, there is a further requirement to demonstrate that one of following criteria are also met: there is a surplus of such facilities in locality (criterion b), the loss can be replaced with an equivalent or greater provision in the immediate locality (criterion c), or the development enhances an existing facility (criterion d).</p>
5.4	<p>With regards to whether or not the site has significant value, the Team Manager – Development Plans has indicated that this type of informal open space was not included in the open space assessment which informed the allocations and policies of the adopted LDP and is satisfied that the proposed residential development would not result in an unacceptable loss of open space. It is therefore clear that this type of open space is not considered to be significant at a strategic or county borough level in respect of its</p>

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<sup>1</sup> Informal recreation spaces, communal spaces in and around housing

	<p>recreational or amenity value. If it were otherwise, it would have previously been assessed and informed the preparation of the LDP. In terms of nature conservation value, the submitted Ecology Report (August 2019) and Ecology Update Survey Letter (April 2021) indicate that whilst the Ebbw River SINC adjoining the application site is significant in ecological terms, the application site itself is not considered to be of significant ecological value in respect of invertebrates, amphibians, reptiles, birds or mammals (see below for further details). I am therefore satisfied that the site does not have significant amenity, nature conservation or recreational value. Accordingly, the proposed residential development would meet the requirements of LDP Policy DM13 (criterion a).</p>
5.5	<p>As no quantitative assessment has been undertaken of this type of informal open space, it is difficult to reach a judgement on whether there is a surplus of such facilities in the locality (criterion b). However, on the basis that there is no surplus of other types formally assessed open space within the ward and given that the site has some unique characteristics, such as a riverside location, in my view it is not unreasonable to reach the judgment that there is not a surplus of such facilities in the locality. Moreover, there are no proposals as part of this residential development to replace the amenity greenspace that would be lost (criterion c) and whilst I acknowledge that the proposed landscaping scheme would make some improvements to the local area, it is not considered to be a significant enhancement to the immediate locality (criterion d). As such, the proposed residential development would not meet the requirements of criteria b, c or d of LDP Policy DM13 and accordingly, would not meet the overall requirements of this policy.</p>
5.6	<p>Notwithstanding the conflict with Policy DM13, it remains necessary to consider the proposed residential development against the requirements of the adopted LDP as a whole and the loss of open space needs to be balanced against the provision of affordable housing. Among other things, LDP Policy SP4 seeks to ensure that local housing need is met and a mix of dwelling types, sizes and tenures are delivered, including at least 335 affordable dwellings. The Policy's associated written justification does, however, clarify that the 335 affordable housing target is anticipated to be met through planning obligations and affordable housing exception dwellings (paragraph 6.33). Moreover, this target also forms part of a wider target total of 1,000 affordable housing units which it is estimated could be provided during the plan period (2006-2021) using all delivery mechanisms (paragraph 6.34). Policy SP5 also indicates that "windfall sites"<sup>2</sup> are expected to make a</p>

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<sup>2</sup> Sites with the capacity for 10 or more units that have not been allocated in the LDP.

	<p>contribution to the housing targets across the County Borough (criterion b) and Policy 7 of Future Wales states that, among other things, planning authorities should explore all opportunities to increase the supply of affordable housing.</p>
5.7	<p>The most recent LDP Annual Monitoring was published in September 2019 and covers the period between 1<sup>st</sup> April 2018 and 31<sup>st</sup> March 2019. In terms of affordable housing delivery, it states that by 31<sup>st</sup> March 2019 only 507 affordable housing units had been completed within the County Borough and even when taking into account sites with planning permission or under construction the total is only anticipated to increase to 643 (page 33). As such, the target of delivering 1,000 by the end of 2021 will be missed by a significant extent and I afford significant weight to the proposed delivery of affordable housing to help address this shortfall.</p>
5.8	<p>The proposed development would provide 15 affordable housing units, comprising of mixture of bungalows, flats, and 2/3 bedroom houses. Five of the units would also be designed to accommodate wheelchair access in order to meet the needs of potential residents with limited mobility. The proposal would therefore make a modest but necessary contribution to the delivery of affordable housing in the County Borough in accordance with the requirements of LDP Policies SP4 and SP4 and Policy 7 of Future Wales.</p>
5.9	<p>Whilst I acknowledge that the existing amenity greenspace would be negatively impacted by the proposed residential development, an appreciable amount of amenity greenspace would remain available to the local community as a recreational resource and some, albeit small, improvements to the amenity of the remaining area would be gained as a result of the proposed soft landscaping scheme. In my opinion, the demonstrable need for additional affordable housing outweighs the loss of the amenity greenspace and, on balance, the proposed residential development is acceptable in land use terms.</p>
5.10	<p><u>Flooding</u> According to Natural Resources Wales (NRW) development advice map, the application site predominantly falls within a flood zone B. Whilst the land adjoining the eastern boundary falls within a flood zone C2 (high risk flood area), this area of land is adjacent to the river and is at a lower land level than the development site.</p>
5.11	<p>Technical Advice Note 15: Development and Flood Risk (TAN15) describes a flood zone B as an area known to have flooded in the past evidenced by sedimentary deposits, and advises that it is used as precautionary approach</p>

	<p>to indicate where site levels should be checked against the extreme (0.1%) flood level (see page 5 of TAN15). If site levels are greater than the flood levels used to define adjacent extreme flood outline, there is no need to consider flood risk further.</p>
5.12	<p>As indicated above, the application site is at higher land level than the adjacent high risk flood zone C2 and the submitted Drainage Strategy and Flood Risk Assessment (DSFRA) confirms that no development, including gardens or storage of materials, would be located within this area at risk of flooding. Moreover, NRW has raised no objection in principle to the proposed residential development and has simply highlighted the need for a flood risk activity permit if development occurs within 8 metres of the River Ebbw. The DSFRA confirms that this permit has already been applied for.</p>
5.13	<p>I am therefore satisfied that the risk of flooding is not significant in relation to the location of the proposed development and as such, the application of the justification test and flood consequence assessment (sections 6 and 7 of TAN15) are not necessary in this instance. Accordingly, the proposed development meets the requirements of LDP Policy SP7 in respect of flood risk.</p>
5.14	<p><u>Site Layout, Scale and Appearance</u></p> <p>All residential developments should respond to the character and local distinctiveness of the area within which they are located. The surrounding area of the application site is characterised by a mixture of uses, such as commercial/employment buildings and residential properties. The type and design of surrounding residential buildings is also varied, but are predominantly two storey semi-detached properties with some two storey detached properties and bungalows also present. The nearest residential area to the application site is Cambridge Gardens which does have a distinctive building format and appearance. However, the application site is somewhat self-contained given its location on the opposite side of the river to Cambridge Gardens and, in my view, the emphasis should be on creating a development that complements the general character of the surrounding area, rather than directly referencing existing built forms or design features.</p>
5.15	<p>The proposed residential development has been orientated so that it primarily fronts on to the new internal access road. Whilst this creates a development that largely focusses in on itself rather, the difference in levels to allotment road to the southwest and the proximity of the Ebbw River to the northeast, makes it difficult to integrate with adjacent street and surrounding area. The proposed site layout and orientation of the residential buildings is therefore considered to be the most appropriate in the local context.</p>



	<p>Moreover, the proposed residential buildings create active frontages within the site and opportunities have been taken to create dual aspect elevations on certain corner plots, such as plot 8, that would provide natural surveillance to both the street and adjacent footpath passing through the amenity greenspace. First floor habitable room windows proposed in the rear elevation of the flat building (plots 14/15) would also overlook the amenity greenspace and re-routed footpath to the south, again providing a degree of natural surveillance.</p>
5.16	<p>The proposed development's off-street car parking is predominately located to the front of proposed buildings, which is not generally encouraged. However, I am of the view that alternative tandem parking to the sides of buildings serving would be difficult to achieve on the application site without reducing the number of dwellings proposed. I am also satisfied that the proposed hard and soft landscaping would help break up and soften the visual impact of the proposed car parking areas.</p>
5.17	<p>In terms of scale and design, I am of the opinion that the proposed one and two storey buildings would be appropriate within the local context. The mix of house types in the form of bungalows, semi-detached houses and flats would also ensure a diverse housing stock and visually interesting street scene. The proposed residential buildings are a more contemporary design, and in order to break up the facades of the buildings and provide architectural interest, a mix of materials and textures are proposed. The proposed materials comprise predominantly of buff colour brick with dark grey bricks around front doors and brick projecting header detail. The roofs would be finished in grey reconstituted roof slates, the doors would be timber effect with a dark grey aluminium clad flat roof canopy and the window frames would also comprise of dark grey aluminium clad timber. Whilst I consider this design approach to be acceptable in principle, I recommend that a condition is imposed requiring the submission of sample materials.</p>
5.18	<p>Overall, I am of the opinion that the proposed residential development would be of an appropriate design that would be in keeping with the character and appearance of the street scene and surrounding area. As such, the proposal is considered to be in accordance with requirements of Policies DM1 and DM2 in terms of design and placemaking.</p>
5.19	<p><u>Highways and Car Parking</u> In terms of vehicular access, the proposed residential development would utilise the existing vehicular access at the northern end of the site and a new internal access road would serve all new dwellings. A turning head for the internal access road would be located at the south-eastern end of site and</p>

	<p>the existing east-west footpath, which links allotment road to the residential areas of Cambridge Gardens and Ebbw View, would be re-positioned to the south of the proposed flats. Whilst the existing footpath may have been in place for over 20 years, the diverted route is considered to be acceptable.</p>
5.20	<p>The Team Manager – Built Environment has raised no objection to the proposed vehicular access, internal access road, new footways or replacement footpath nor has he raised any concern in terms of increased traffic movements in the area. He has, however, requested the imposition of a number of conditions that control the construction of the highways (roads and footways), the stopping up of the existing footway and its replacement and street lighting. I agree that such conditions would satisfy the relevant tests and should be imposed.</p>
5.21	<p>In respect of car parking provision, the proposed residential development would be served by 22 off-street car parking spaces which has been reduced from the standard requirement based on the sustainability credentials of the application site. In accordance with the requirements of the adopted Access, Car Parking and Design SPG, a minimum of 1 car parking space for each one and two bed dwelling would be provided and each three bed dwelling would be served by 2 car parking spaces.</p>
5.22	<p>The Team Manager – Built Environment has confirmed that the proposed level of car parking has been justified via the application of a sustainability assessment and is appropriate to meet the needs of the proposed residential development. He has also requested that the off-street parking areas for each plot are fully constructed prior to the occupation of each dwelling and retained thereafter. I am satisfied that this requirement can be achieved through the imposition of a suitably worded condition.</p>
5.23	<p>I therefore of the opinion that the proposed residential development would meet the requirements of LDP Policy DM1 in respect of highways, access and parking matters and the requirements of the Access, Car Parking and Design SPG.</p>
5.24	<p><u>Landscaping and Trees</u> The submitted Tree Report (TR) indicates that a small number of trees would be removed as part of the proposed residential development. The Council's Arboricultural Officer has confirmed that the trees to be removed are unmanaged or overgrown shrubs, or trees which are damaged, diseased or of low quality. As such, he has raised no objection to the proposed residential development subject to the erection of tree protection fencing around the root protection zone of those trees, and groups of trees, to be</p>

	<p>retained prior to any construction work. The latter can be secured via an appropriately worded condition.</p>
5.25	<p>The Team Manager – Natural Environment has also raised no objection to the proposed residential development and confirmed that the landscaping proposals would more than compensate for the loss of any low value trees identified for removal. I am also satisfied that the proposed landscaping and planting would enable the proposed residential development to integrate effectively into the surrounding area. Moreover, I am of the view that the proposal would incorporate an appropriate mix of boundary walls, fences, railings and various forms of paving to hard landscape areas that would adequately define private, semi-private and public spaces. Whilst detailed soft landscaping proposals have already been provided, final detailed design and samples of the hard landscaping scheme and boundary treatments can be secured via condition.</p>
5.26	<p>I am therefore of the view that the proposed soft and hard landscaping schemes would provide an appropriate visual setting for the proposed residential development and accordingly, the proposal would meet the requirements of Policy DM2 in respect of hard and soft landscaping matters.</p>
5.27	<p><u>Residential Amenity</u> The separation distance between the curtilages of the proposed semi-detached building at plot 8 and the existing residential properties at Ebbw View would be approximately 25m, while the separation distance between the curtilages of the proposed flats building at plot 14/15 and the nearest residential properties at Cambridge Gardens would be over 30m. There is also substantial landscape screening along much of the Ebbw River corridor and I am satisfied that the proposed residential development would not have an unacceptable impact on the amenity of the occupiers of surrounding residential properties by means of overlooking, overshadowing or overbearing. I am also satisfied that the proposed residential development would not have an unacceptable impact on the amenity or operations of the existing commercial/employment buildings to the north of the application site.</p>
5.28	<p>With regards to the residential amenity of the future occupiers of the development, I am of the view that the proposed layout, building orientations and window arrangements would prevent any direct overlooking between the habitable room windows of the proposed houses, bungalows and flats. I am also satisfied that the future occupiers of the houses would not experience unacceptable levels of overbearing or overshadowing from any neighbouring buildings.</p>

5.29	<p>All of the proposed houses, bungalows and flats would be provided with adequate private garden space, and whilst I note that the first floor flats would only have access to balconies as private outdoor amenity space, the immediate amenity greenspace would also be readily accessible to future occupiers.</p>
5.30	<p>Overall, I am of the opinion that the proposed residential development would not have an unacceptable impact on the residential amenity of the occupiers of surrounding properties or the future occupiers of the site. As such, the proposal is considered to be in accordance with Policy DM1 in respect of this matter.</p>
5.31	<p><u>Ecology</u> The submitted Ecology Report (August 2019) indicates that the most significant habitat for biodiversity is located in the north-eastern margin of the site, which forms part of the River Ebbw Site of Importance for Nature Conservation (SINC). The dense vegetation and steep sides mean that the bank is relatively undisturbed, providing habitat for a range of wildlife and acting as corridor for the movement of wildlife through this part of Ebbw Vale. In particular, the river and its banks have a potential to support invertebrates, birds and mammals (such as bats and otters). The Ecology Update Survey Letter (April 2021) also confirms the presence of otters along the River Ebbw after otter spraints were found at three separate locations.</p>
5.32	<p>The remainder of the site was found mostly to support mown amenity grassland with standard parkland trees. These are generally considered to be common urban habitats which are not considered to be important in a county context. The Ecology Report (August 2019) indicates that this part of the site is not considered to be of significant ecological value in terms of invertebrates, amphibians, reptiles, birds or mammals.</p>
5.33	<p>In terms of overall ecological constraints, the Ecology Report (August 2019) indicates that:</p> <ul style="list-style-type: none"><li>• impacts on any habitat in the river and up to the top of the bank of the River Ebbw SINC should be avoided;</li><li>• the clearance of any trees/shrubs should be undertaken outside of the bird nesting season;</li><li>• a pre-construction re-check for bats roosting in trees should be undertaken if several years lapse before development commences;</li><li>• if the development were to affect the dense riverside scrub, further checks should be carried out for otters; and</li><li>• non-native invasive species should be removed, where necessary.</li></ul>

5.34

The Ecology Update Survey Letter (April 2021) confirms the above constraints continue to apply and in particular, reiterates the need for a licence from NRW if any works were to disturb otters or affect an otter resting or breeding site, which might include the riverside scrub or rock armouring.

5.35

Natural Resources Wales (NRW) has been consulted on both the initial ecology report and update survey and raised no objection to the proposed residential development. Attention has been drawn to relevant pollution prevention advice and guidance, due to the application site's close proximity to the River Ebbw. I am satisfied that these requirements can be brought to the applicant's attention via a suitably worded informative.

5.36

The Council's Ecologist has also raised no objection to the proposed residential development and supports the recommendations set out within the Ecology Report and update survey. I am satisfied that specific matters raised by the Ecologist, such as the incorporation of hedgehog passes in boundary treatments, the potential need for an otter licence, the removal of invasive alien species of plant and the precautionary approach required during the bird breeding season can be addressed via appropriately worded informatives. Moreover, I am of the view that the submitted landscape strategy incorporates a number of native plant and tree species that would ensure no long term negative biodiversity impacts and I recommend that a construction method statement condition is imposed to minimise any impacts on the adjacent SINC.

5.37

I am therefore of the opinion that, subject the conditions and informatives highlighted above, the proposed residential development would not have an unacceptable impact on the ecological interests of the site or the surrounding area. Accordingly, the proposal is considered to be in accordance with LDP Policies SP10, DM1 and DM14 in respect of biodiversity related matters.

5.38

Ground Conditions

In respect of ground stability, an Intrusive Mining Risk Assessment Report (IMRAR) has been submitted with the application, indicating that an intrusive ground investigation comprising of a series of rotary probe holes has been undertaken across the proposed development area. The IMRAR confirms that there is no recorded shallow coal mining beneath the site and as such, there is not deemed to be a risk from unrecorded coal mining. Moreover, whilst a desk top assessment had identified a potential risk from unrecorded ironstone mining, no evidence of any workings within the ironstones was identified as part of the intrusive ground investigation. As such, the IMRAR confirms that the proposed residential development is not at risk from past

	<p>shallow mining and no special precautionary measures or foundation design are required as part of the proposed development. I am therefore satisfied that the application site is capable of support the proposed residential development without risk of damage to buildings on the site or adjoining land. Accordingly, the proposed development would meet the requirements of LDP Policy DM1 in respect of this matter.</p>
5.39	<p>With regard to ground contamination, the submitted Remediation Strategy Report (RSR), indicates that a contaminant was identified in one of the soil samples. As a consequence, the RSR recommends that the following mitigation and remedial measures are implemented:</p> <ul style="list-style-type: none"><li>• Protection of construction workers during site development through good level of PPE and hygiene;</li><li>• Capping of the front and rear gardens of Plots 1-8 with 600mm of imported clean soils;</li><li>• Validation of all imported soils/aggregate;</li><li>• Installation of appropriate water supply pipes; and</li><li>• Installation of gas protection.</li></ul>
5.40	<p>The RSR also recommends the submission of further details of proposed water pipes, ground gas protection measures and soil/aggregate verification.</p>
5.41	<p>The Council's Specialist Environmental Health Officer has reviewed the RSR and raised no objection to the proposed residential development subject to the imposition of a standard land contamination condition securing a detailed remediation strategy and remediation validation/verification reports. Attention has also been drawn to the need to install a geo-textile membrane in the garden areas at a depth of 600mm to act as do not dig below barrier. I am satisfied that a suitability worded informative is sufficient to advise the applicant/agent that this additional precautionary measure should form part of the detailed remediation strategy that will be secured via condition.</p>
5.42	<p>I am therefore of the opinion that, subject to appropriate mitigation and remediation measures being secured via the condition identified above, the land contamination on the site would be adequately controlled and contained. Accordingly, the proposal would meet the requirements of LDP Policy DM1 in respect of this matter.</p>
5.43	<p><u>Drainage</u> The proposed residential development would seek to connect foul water drainage to the main public sewerage network and Welsh Water (WW) has confirmed that spare capacity exists within the sewerage network to receive</p>



	<p>foul flows. I am satisfied that the details of a foul water drainage scheme for the proposal can be secured by an appropriately worded condition.</p>
5.44	<p>WW has also indicated that the proposed development is crossed by a trunk/distribution watermain and no part of any building is permitted within the required easement of 3.85m either side of the centre line of the watermain. Whilst it appears that some of the proposed residential buildings would conflict with this requirement, WW has also indicated that it may be possible for this watermain to be diverted at the expense of the developer. Given that WW has not objected to the proposed residential development and there appears to be solution to overcome this constraint, I am satisfied that the presence of the watermain is not an insurmountable constraint to the proposed development and the matter can be left to WW and the applicant/developer to resolve.</p>
5.45	<p>In terms of surface water management, indicative Sustainable Drainage System (SuDS) details have been submitted with the application, indicating that the proposed residential development would incorporate green roofs on the proposed bungalows, bio-retention areas within gardens and permeable paved driveways that would connect to a detention basin proposed between house plot 8 and the re-routed footpath. As the proposed residential development is for more than one dwelling, these SuDS details will require a separate consent from the SuDS Approval Body. The applicant has confirmed that discussions with the SuDS Approval Body are being undertaken separately to this planning application.</p>
5.46	<p><u>Planning Obligations</u> Policy DM3 requires new development to meet the infrastructure needs that it generates, including the improvement or provision of infrastructure, services and community facilities. Policy DM12 also seeks to secure the provision of outdoor sport and play facilities with all new residential developments of 10 or more units.</p>
5.47	<p>As indicated in Section 3 above, a request has been made for a commuted sum towards upgrading outdoor play facilities in line with the requirements of the adopted Planning Obligations Supplementary Planning Guidance. Glyncoed play area and ball court has been identified as the existing facility where the commuted sum would be spent. The requirement to provide this type of planning obligation is, however, subject to development viability and the applicant has submitted a viability assessment which indicates that the proposed residential development would not be financially viable if this leisure contribution was sought. The Team Manager – Development Plans has reviewed the submitted viability assessment and confirmed that the</p>

	<p>proposed development for affordable housing would be unviable if any planning obligations were to be sought as part of the current planning application.</p>
5.48	<p>Whilst I am also satisfied that sufficient evidence has been submitted to demonstrate that the proposed development would be unviable if the aforementioned planning obligation was provided, it must be recognised that without the planning obligation, the proposal would not fully meet its infrastructure needs and as such, would have some negative impact on local community facilities. However, this impact needs to be balanced against the benefits of delivering much needed affordable housing. In my opinion, any negative impact on local community facilities would not be significant enough to outweigh the benefits of the proposal.</p>
5.49	<p><u>Other Matters</u> The majority of issues raised by objectors have been addressed above. In terms of other matters raised I would provide the following comment:</p>
5.50	<ul style="list-style-type: none"><li>• <i>The application is being determined too quickly and further consultation should be carried out with the public for further impacts to be assessed.</i> The statutory consultation requirements have been complied with both at pre-application stage and the planning application stage. This report has run over the statutory time period for determination to ensure all material planning considerations are satisfactorily addressed.</li></ul>
5.51	<ul style="list-style-type: none"><li>• <i>More suitable sites should be found</i> The Council is duty bound to consider the scheme as submitted. The suitability of the site has been considered in some detail above.</li></ul>
5.52	<ul style="list-style-type: none"><li>• <i>Decline in maintenance since Tai Calon took ownership of site / site extends further than at PAC stage / concerns the site may expand in the future</i> These are not material planning consideration in the determination of this application.</li></ul>
5.53	<p><u>Conclusion</u> In summary, I am of the view that, on balance, the proposed residential development is acceptable in land use terms and would not have a detrimental impact on residential amenity, local biodiversity or the character and appearance of the surrounding area. Moreover, the proposal is considered acceptable in terms of vehicular and pedestrian access and car parking provision.</p>

<b>6. Legislative Obligations</b>	
6.1	The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.
6.2	The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.
<b>7. Conclusion and Recommendation</b>	
7.1	<p>Planning permission be <b><u>GRANTED</u></b> subject to the following condition(s):</p> <ol style="list-style-type: none"><li>1. The development shall 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 1980.</li><li>2. The development shall not be carried out expect in complete accordance with the details of the following approved plans and documents, except where amended by conditions attached to this planning permission:</li></ol> <p><u>Documents</u></p> <ul style="list-style-type: none"><li>• BS5837 2012 Tree Information (Treecare Consulting, 08.2019)</li><li>• Remediation Strategy Report (Terra Firma, March 2021)</li><li>• Recommendations in Ecology Report (Aug 2019) and Update Survey (April 2021) (Sturgess Ecology)</li></ul> <p><u>Plans</u></p> <ul style="list-style-type: none"><li>- 151604-STL-XX-XX-DR-A-XXXX-01010-PL07-SITE LOCATION PLAN</li><li>- 151604-STL-XX-XX-DR-A-XXXX-01011-PL07-EXISTING SITE PLAN</li><li>- 151604-STL-XX-XX-DR-A-XXXX-01012-PL07-PROPOSED SITE PLAN</li><li>- 151604-STL-XX-XX-DR-A-XXXX-01013-PL07-PROPOSED SITE ROOF PLAN</li><li>- 151604-STL-XX-XX-DR-A-XXXX-01014-PL07-PROPOSED SITE</li></ul>

CONTEXT PLAN

- 151604-STL-XX-XX-DR-A-XXXX-21000-PL07-SITE ELEVATIONS
- 151604-STL-01-ZZ-DR-A-XXXX-00301-PL07-HOUSE TYPE 01 - 1B2P FLATS PLANS - VERSION 03
- 151604-STL-01-ZZ-DR-A-XXXX-00302-PL07-HOUSE TYPE 01 - 1B2P FLATS - VERSION 03
- 151604-STL-02-ZZ-DR-A-XXXX-00101-PL07-HOUSE TYPE 02 - 2B3P BUNGALOW PLAN
- 151604-STL-02-ZZ-DR-A-XXXX-00102-PL07-HOUSE TYPE 02 - 2B3P BUNGALOW
- 151604-STL-03-ZZ-DR-A-XXXX-00101-PL07-HOUSE TYPE 03 - 2B4P HOUSE PLANS
- 151604-STL-03-ZZ-DR-A-XXXX-00102-PL07-HOUSE TYPE 03 - 2B4P HOUSE
- 151604-STL-04-ZZ-DR-A-XXXX-00101-PL07-HOUSE TYPE 04 - 2B4P HOUSE (CORNER)
- 151604-STL-05-ZZ-DR-A-XXXX-00101-PL07-HOUSE TYPE 05 - 3B5P HOUSE PLANS
- 151604-STL-05-ZZ-DR-A-XXXX-00102-PL07-HOUSE TYPE 05 - 3B5P HOUSE
- 151604-STL-00-XX-DR-L-09001- PL\_PL07 Landscape General Arrangement
- 151604-STL-00-XX-DR-L-09101- PL\_PL07 Tree Protection, Retention and Removal Plan
- 151604-STL-00-XX-DR-L-09141 PL\_PL11 Soft Landscape Plan received on 28.09.21
- 151604-STL-00-XX-DR-L-09142-Planting Schedules
- 151604-STL-00-XX-DR-L-09161- PL\_PL07 Hard Landscape Plan
- 151604-STL-00-XX-DR-L-09181- PL\_PL08 Boundary Treatment Plan
- 151604-STL-00-XX-DR-L-09410 - PL\_PL10 Tree Pit Detail received on 09.08.21
- IR18102 101 P5 EXTERNAL WORKS GA
- IR18102 201 P4 DRAINAGE GA received on 09.08.21
- IR18102 203 P2 DRAINAGE LONGSECTION & DETAILS received on 09.08.21
- IR18102 204 P1 DETENTION BASIN SECTION received on 09.08.21
- IR18102 110 P1 REFUSE VEHICLE SWEPT PATH  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans and documents.

3. Prior to commencement of development the development shall not

begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the management of the affordable housing;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing

Reason: To ensure affordable housing is provided in accordance with policy DM7 of the adopted Blaenau Gwent Local Development Plan.

4. No development shall commence on site until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include details of:
- practical measures (both physical measures and sensitive practices) to avoid or reduce impacts on the Ebbw River Site of Importance for Nature Conservation during construction;
  - hours of working;
  - site access and the parking of vehicles of site operatives and visitors;
  - wheel washing facilities;
  - storage of plant and materials used during construction works;
  - the erection and maintenance of security hoardings;
  - measures to control noise and the emissions of dust and dirt during construction works;
  - details of a scheme for the recycling/disposing of waste resulting from construction works; and
  - siting and details of any required construction compound.

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

Reason: To safeguard local amenity and ecological interests and to ensure that the impacts of the construction phase of the development

are adequately addressed.

5. Tree protection measures shown on 151604-STL-00-XX-DR-L-09101-PL07-Tree Protection Retention and Removal Plan shall be implemented prior to the commencement of development and maintained as necessary for the duration of the construction period.  
Reason: To ensure protection of any trees and safeguard the visual amenities of the area.
6. The external surfaces of the building(s) and hard landscaping materials shall be constructed of the materials specified on the following plans:
  - 151604-STL-01-ZZ-DR-A-XXXX-00302-PL07-HOUSE TYPE 01 - 1B2P FLATS - VERSION 03
  - 151604-STL-02-ZZ-DR-A-XXXX-00102-PL07-HOUSE TYPE 02 - 2B3P BUNGALOW
  - 151604-STL-03-ZZ-DR-A-XXXX-00102-PL07-HOUSE TYPE 03 - 2B4P HOUSE
  - 151604-STL-04-ZZ-DR-A-XXXX-00101-PL07-HOUSE TYPE 04 - 2B4P HOUSE (CORNER)
  - 151604-STL-05-ZZ-DR-A-XXXX-00102-PL07-HOUSE TYPE 05 - 3B5P HOUSE
  - 151604-STL-00-XX-DR-L-09161- PL\_PL07 Hard Landscape PlanReason: To ensure an acceptable form of development.
7. The boundary enclosures indicated on the approved plans shall be provided in full accordance with the approved details before the dwelling(s) to which it relates is occupied.  
Reason: To protect the privacy and amenities of the occupants of the application property, the occupiers of neighbouring properties and the visual amenities of the area.
8. Notwithstanding any details indicated on the approved plans, before works commence on site details shall be submitted to and approved in writing by the Local Planning Authority of any retaining walls/structures or works required in association with the construction of the development hereby approved. Any details of retaining walls/structures or works that will exceed 1.5m in height 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 before the dwellings to which they relate are brought into use.



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

9. No dwelling hereby approved shall be occupied until the access, driveway and parking areas relating to that dwelling are constructed in accordance as indicated on the approved plans. The parking areas provided shall be retained for their designated purpose at all times.

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

10. No approved dwelling shall be occupied until the roads and footways serving that dwelling have been laid out and constructed to a minimum of binder course level and any street lighting to be provided has been erected and energised in full accordance with details to be submitted and approved in writing by the Local Planning Authority before works commence on the construction of the dwellings.

Reason: To ensure suitable vehicle and pedestrian access to the site and to safeguard highway and pedestrian safety.

11. 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 dwellings, 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.

12. The foul drainage scheme shown on IR18102 201 P4 DRAINAGE GA shall be implemented prior to the occupation of the development.

Reason: To ensure that effective drainage facilities are provided for the development and that no adverse impact occurs to the environment or the existing public sewerage system.

13. The development hereby approved shall not be brought into use until all the measures identified as necessary to decontaminate the site, as contained in the Remediation Strategy Report (Terra Firma, March 2021), are implemented and the Authority is provided with a validation

report signed by a suitably qualified person that confirms that such measures and/or works have been fully implemented.

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

14. If, during the course of development, any contamination is found which has not been previously identified, additional measures for the remediation of this source of contamination in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate all approved additional measures and shall be completed before the development hereby approved is occupied.

Reason: To ensure that any unexpected contamination issues are adequately addressed and that suitable mitigation measures are implemented.

15. If during the course of development, any unexpected land instability issues are found which were not previously identified, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures which shall be completed before the development hereby approved is occupied.

Reason: To ensure that any unexpected land stability issues are adequately dealt with and that ground stability issues are appropriately addressed.

16. Unless otherwise approved in writing, the existing adopted public footpath proposed to be relocated as part of the development shall be maintained until the replacement footpath, as shown on 151604-STL-XX-XX-DR-A-XXXX-01012-PL07-PROPOSED SITE PLAN has been completed in full accordance with the approved details.

Reason: To ensure access to the public footpath is maintained at all times.

17. Prior to the installation of any bin stores, sheds or other minor structures, details must be submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with such details as may be approved.

Reason: To ensure an acceptable form of development.

## Informatives

1. The applicant/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 development to the Local Planning Authority and to display a notice at all times when the development is being carried out.
2. The applicant/developer is advised that the new access roads and footways serving the development should be designed and constructed in accordance with Blaenau Gwent's 'Residential, Industrial and Commercial Estate Roads' Design Guide. Further advice on this matter can be sought from the Highway Authority on 01495 355411.
3. 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/>
4. The applicant/developer is advised that Japanese Knotweed, Indian Balsam, Montbretia, Himalayan Cotoneaster and Hollyberry Cotoneaster are located either on the site or the surrounding area. All are listed as alien invasive species in Schedule 9 Part II of the Wildlife and Countryside Act 1981 (as amended). It is an offence to spread or cause to grow wild such alien invasive species and will need to be eradicated from the site prior to the commencement of development works.
5. All British birds, their nests and eggs (with certain limited exceptions) are protected under Part 1 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to intentionally or recklessly kill, injure or take any wild bird, damage or destroy the nest of any wild bird whilst it is in use or being built or take or destroy the egg of any wild bird. To avoid any unlawful act, all works should be carried out between the months of September and February (inclusive). If it is unavoidable that

clearance works have to be undertaken during the nesting season, a pre-commencement check will be required by a suitable qualified ecologist.

6. The applicant/developer is advised that hedgehog passes should be incorporated into boundary treatments and between gardens.
7. The applicant/developer is advised that the presence of otter has been confirmed along the river. A licence from NRW may be required for any work that may disturb otters or affect an otter resting or breeding place, which might include the riverside scrub or rock-armouring. Otters are protected under the Conservation of Habitats and Species Regulations 2017 (as amended), known as the 'Habitats Regulations'. Further advice on protected species licences should be sought from NRW (email - [specieslicence@naturalresourceswales.gov.uk](mailto:specieslicence@naturalresourceswales.gov.uk)).
8. All British bat species are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) known as the 'Habitats Regulations'. Under the 'Habitats Regulations' it is an offence to:
  - Deliberately capture, injure or kill any wild animal of European Protected Species;
  - Deliberately disturb wild animals of any such species; or
  - Damage or destroy a breeding site or resting place of such an animal.
9. The applicant/developer is strongly advised to adhere to the following guidance to prevent any pollution to the River Ebbw during construction works: "Works and maintenance in or near water: GPP5" (Version 1.2, February 2018) and "Working at construction and demolition sites: GPP6". The guidance can be accessed at <https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/guidance-for-pollution-prevention-gpps-full-list/>
10. The applicant/developer is advised that the submission of the detailed remediation strategy and remediation validation/verification reports should include the additional precautionary measure of installing a geotextile membrane in the garden areas at a depth of 600mm to act as do not dig below barrier.

## 8. Risk Implications

8.1 None.

*Report Date:*  
*Report Author:*