

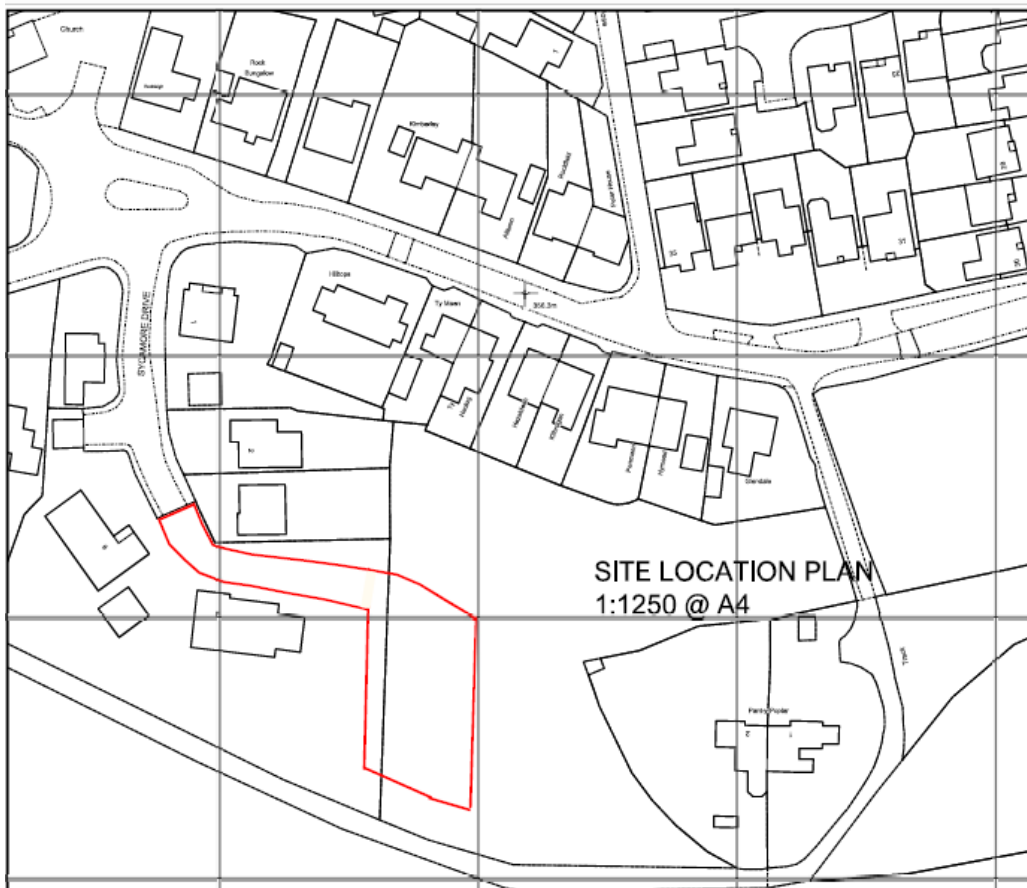
<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	<b>The Chair and Members of Planning, Regulatory and General Licensing</b>
<b>Report Subject</b>	<b>Planning Applications Report</b>
<b>Report Author</b>	<b>Team Manager Development Management</b>
<b>Report Date</b>	<b>18<sup>th</sup> July 2022</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>28<sup>th</sup> July 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/2022/0081	Land adjacent to Ty Coed, Sycamore Drive, Rassau, Ebbw Vale
C/2021/0290	Land adjacent to Park Hill Road, Tredegar
C/2021/0329	Land Adjoining Park Hill, Park Hill Road, Tredegar
C/2022/0100	Land north of Unit 33, Rassau Industrial Estate, Rassau, Ebbw Vale
<b>3. Recommendation/s for Consideration</b>	
Please refer to individual reports	

## Planning Report

<b>Application No:</b> C/2022/0081	<b>App Type:</b> FULL
<b>Applicant:</b> Mr L McPherson 112 Lillian Grove Ebbw Vale NP23 5LY	<b>Agent:</b> K J Lloyd Architect Mr Kenneth Lloyd 49 Coed y Pia Llanbradach CF83 3PT
<b>Site Address:</b>	
Land adjacent to Ty Coed Sycamore Drive Rassau Ebbw Vale NP23 5AQ	
<b>Development:</b>	
Detached dwelling	
<b>Case Officer:</b>	Sophie Godfrey



<b>1. Background, Development and Site Context</b>	
1.1	This application seeks full planning permission for the erection of a 2.5 storey detached dwelling. The site currently consists of a vacant plot of land to the south east of the cul-de-sac of Sycamore Drive. The site is located within the settlement boundary of Rassau. Sycamore drive consists of detached

dwellings, most of which are red brick with brown tile roofs but vary slightly in design and scale. To the south of the plot is open grassland. The topography is such that the land slopes gently from south to north.



Figure 1.1 Photo of site

- 1.2 The plot faces northwards towards the rear garden of dwellings along Rassau Road. The existing driveway for Ty Coed, accessed off Sycamore Drive, will be extended to the front of the proposed dwelling. The Plot is largely rectangle in shape measuring 21 metres in width and a maximum of 38 metres in depth.
- 1.3 A contemporary design is proposed for the dwelling which will feature a central triple height glazed front gable. The proposed floorplans indicate that there will be a lounge/family room, kitchen, dining room, utility room and garage to the ground floor, 4no. bedrooms, 2no. bathrooms and a dressing room to the first floor and 1no. bedroom and home office within the roof space. It will have a footprint of 19.6 metres in width and 10.1 metres in depth. Plans submitted indicate that the ridge height of the dwelling will be approximately 8.8 metres.

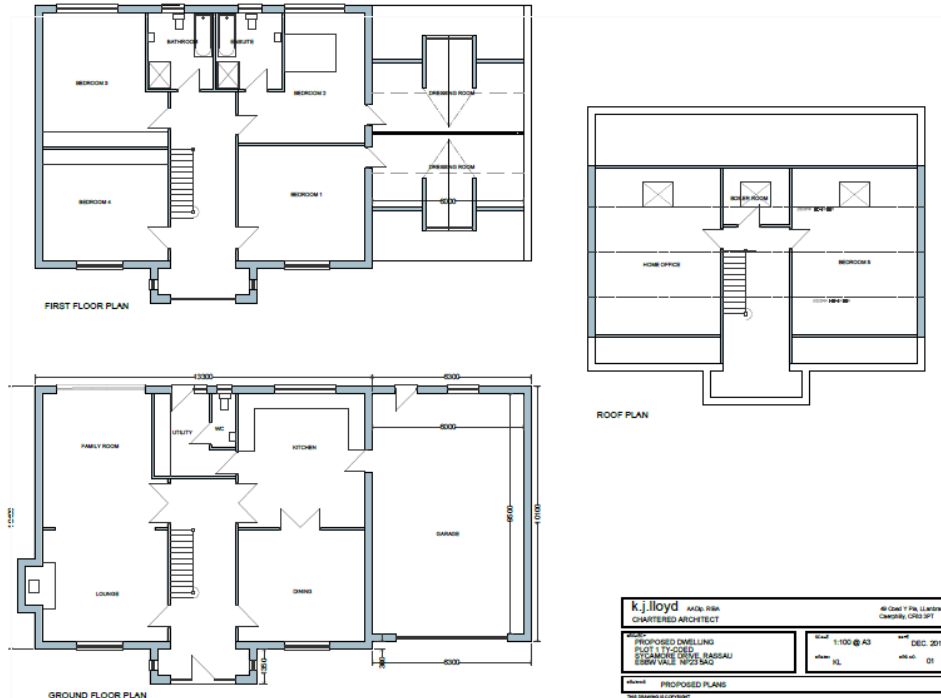


Figure  
 Proposed Floor Plans

1.2



Figure 1.3 Proposed Front Elevation

1.4

Finishes will comprise white render with blue pennant stonework to the front gable and a slate roof. Windows and doors will be grey Upvc. The front driveway will be permeable paviors. Garden space is provided to the front and rear of the dwelling. Parking is provided in the proposed garage and on the driveway to the front of the property. Boundary treatments include a 2m high feather edged timber fencing to the side boundaries, hedgerow to the rear boundary and 4no. trees to the front boundary.

<b>2. Site History</b>			
	Ref No	Details	Decision
2.1	C/2005/0129	Outline application for residential development	Approved
2.2	C/2021/0320	Detached dwelling	Withdrawn
<b>3. Consultation and Other Relevant Information</b>			
3.1	<b><u>Internal BG Responses</u></b>		
3.2	<u>Service Manager Infrastructure:</u> Highways: No objection.		
3.3	Drainage: Full SuDs approval required.		
3.4	Arboriculture: Initially requested a tree survey on the basis that there are a number of trees and hedgerows within the application site. However, upon receipt of further information from the agent, the Council's Tree Officer was re-consulted and confirmed he has no objections.		
3.5	<u>Ecology:</u> No objection- providing that the mitigation, recommendations and further biodiversity enhancements have been carried out in accordance with the PEA (March 2022).		
3.6	<u>Service Manager Public Protection:</u> The land the house will be built upon is overlain with made ground associated with historical industries in the area.		
3.7	No objections but advise that the standard land contamination condition is used in this instance. Also request provision for the charging of electric vehicles at the garage at the property.		
	<b><u>External Consultation Responses</u></b>		
3.8	<u>Welsh Water:</u> No objection subject to condition requiring a drainage scheme for foul water.		
3.9	<u>Western Power:</u> No objection.		
3.10	<u>W&amp;W Utilities:</u> No objection.		
3.11	<u>Coal Authority:</u> No objection.		
3.12	<b><u>Public Consultation:</u></b>		
	<ul style="list-style-type: none"> <li>• 15 letters to nearby houses</li> <li>• 2 site notices were displayed at the site</li> </ul>		

<p>3.13</p>	<ul style="list-style-type: none"> <li>• website public register of applications</li> <li>• ward members by letter</li> <li>• all members via weekly list of applications received</li> </ul> <p><u>Response:</u> 2 letters of support have been received from the public.</p>
<p>3.14</p>	<p>A petition has been received signed by 14 neighbouring residents raising the following concerns:</p> <ul style="list-style-type: none"> <li>- Loss of privacy</li> <li>- Loss of outlook</li> <li>- Increased level of overlooking</li> <li>- Loss of green space</li> <li>- Overcrowded feeling</li> <li>- Steep and unstable shale bank</li> <li>- Increased flooding from water run off due to building on green space. There is a stream running through the gardens of Pantygerrig. Any run off from the proposed development would need to be dealt with.</li> <li>- could lead to further development adjacent to the application site resulting in a wall of building destroying the skyline and further loss of privacy</li> <li>- There is a grave located on the application site</li> <li>- Site was previously used as grazing land for sheep and cattle, not wasteland as it currently is</li> <li>- The applicant has ticked boxes on the application form stating the site is not visible from the road, which we believe it will be from all directions</li> <li>- The applicant has also ticked the site is not near a footpath or right of way. A neglected footpath runs along the southern boundary of the site which is only passable in the winter. The footpath is used by horse riders and dog walkers, with good views towards Beaufort and the moors. The propose development will spoil this view.</li> <li>- The site is neglected and unkempt and the owners have a poor history of completion at all stages of any development</li> <li>- The vehicular access to the site would be extremely narrow and any large construction vehicles would affect the wellbeing of residents of Sycamore Drive with noise and fumes.</li> </ul>
<p>3.15</p>	<p>A ward member has called the application to committee on the grounds of overbearing impact and loss of privacy to neighbouring properties.</p>
<p><b>4. Planning Policy</b></p>	
<p>4.1</p>	<p><u>LDP Policies:</u> DM1 – New Development</p>

	<p>DM2 – Design and Placemaking SB1 – Settlement Boundaries</p> <p><u>PPW &amp; TANs:</u> Planning Policy Wales Edition 11 (February 2021) Future Wales: The National Development Plan for Wales 2040 (February 2021) Technical Advice Note 12: Design</p>
<b>5. Planning Assessment</b>	
5.1	The site falls within the settlement boundary within which new development is normally acceptable subject to policies in the Local Development Plan (LDP) and other material considerations.
5.2	The site is currently vacant land and is located at the end of the Cul-De-Sac of Sycamore Drive. Sycamore Drive is made up of a number of detached dwellings. The site previously benefitted from outline permission for 2no. dwellings (under application C/2005/0129) however this permission has since lapsed.
5.3	The dwelling would measure approximately 8.8 metres to the ridge height, and due to the topography of the land would be at a higher level than the adjacent dwellings. Whilst it is acknowledged that it would be at a higher level, the immediate neighbouring property at Ty Coed is also at a higher level than the other properties located along Sycamore Drive. The proposed dwelling is therefore considered to follow the natural built form of Sycamore Drive with the dwelling stepping up in height. Whilst quite large in scale, the proposed dwelling is set back from the road and behind the building line of Ty Coed. As such, the dwelling is not considered to be directly viewed in conjunction with the existing dwellings, therefore does not appear disproportionate to the adjacent dwellings or wider urban grain. Whilst set back, given the current pattern of development, with the adjacent property at Ty Coed at the same orientation, it is not considered the proposal constitutes backland development. Consequently, there will be no unacceptable visual impact upon the street scene or wider landscape, in line with LDP Policy DM1(2)b. Moreover, I note there is currently a mixture of housing types and design in the immediate and surrounding area, with two storey dwellings, dormer bungalows and bungalows. The proposal is therefore in accordance with LDP Policies DM2(a).
5.4	Sufficient amenity space and on-site parking for 3 cars has been provided and thus the development is compliant with LDP Policies DM1(2)d and DM1(3)d.



5.5	<p>I acknowledge that the contemporary design of the dwelling with a large amount of glazing, and finished in render, pennant stone and slate to the roof is not in uniformity with the majority of dwellings located in Sycamore Drive that are predominantly red brick dwellings with brown roof tiles. However, it is noted that the wider area is mixed in architectural style and therefore a contemporary design and palette of materials is acceptable in principle. In addition the adjacent dwelling at Ty Coed does contain render to the front elevation, therefore the use of render would not be unfamiliar to the area. The dwelling would be located above and behind the building line of Sycamore Drive, and due to its location would not be readily visible when entering the cul-de-sac and would not necessarily be viewed in the context of the existing properties. On balance, I consider the proposed design is of its time and incorporates render which is already seen on the adjacent property and high quality finishes in the form of slate and Pennant.</p>
5.6	<p>Whilst I note that there is flexibility in the use of the materials for the elevations, the roofscape will be highly visible from Rassau Road which is dominated by brown textured roof tiles. Given that the applicant is proposing anthracite grey windows and doors they may want to consider the full palette of materials. Therefore, a condition will be imposed to require full details of all materials. Subject to this condition, I am satisfied that the proposed dwelling is respectful to the form, scale and characteristics of the surrounding area in accordance with LDP Policies DM1(2)a, b and DM2(a).</p>
5.7	<p>The plans submitted show 2 metre high timber feather edged fencing to the side boundaries that extend beyond the principal elevation. Whilst this form of boundary treatment is acceptable in principle, the design, extending forward of the principle elevation is considered to be of poor design, detracts from the overall appearance of the site and can impact upon visibility splays. It is therefore considered necessary to apply a condition to this permission restricting any boundary treatment forward of the principal elevation not to exceed 1 metre in height.</p>
5.8	<p>In considering the impact upon the neighbouring properties, the dwelling is set behind the front building line of Ty Coed (to the west) and there are two windows proposed on the west side elevation of the front gable which houses a porch/entrance area. As the windows do not serve a habitable room and as they would be located approximately 24 metres from the nearest windows in the adjacent dwelling, there are no concerns of overlooking into Ty Coed. It is acknowledged that the proposed dwelling is considerable in scale, and would be at a higher level than Ty Coed, however given the separation distance of 12.5 metres between the two dwellings it is not considered the proposal would result in overbearing or overshadowing.</p>

5.9	<p>There are residential properties located to the front of the application site along Rassau Road, which are located at a much lower level than the application site. The rear elevations of these properties are located approximately 53 metres from the application site, with the rear boundaries of the gardens approximately 44 metres away. Although the site is at a higher level, given the separation distance, the impact upon these dwellings in terms of overlooking, overbearing and overshadowing is considered to be negligible. In addition, the applicant proposes to plant 4no. trees to the front boundary of the site to provide screening between the site and the dwellings on Rassau Road.</p>
5.10	<p>I am therefore satisfied that there will be no adverse impact upon any of the neighbouring properties, in line with LDP Policy DM1(2)c.</p>
5.11	<p><u>Trees and Landscape</u></p> <p>The Council's Arboriculture Officer was consulted on the application and confirmed that <i>"whilst there appear to be no trees within the proposed footprint for dwelling or surfaced areas, the ecological report correctly indicates that there are a number of trees and hedgerows on the proposed development site. Hedgerow to southern plot boundary, trees to northern plot boundary, and trees outside the red line boundary to east and west, comprising of fields and patches of broad leaved woodland with good connectivity to the wider landscape. Currently the proposed development area has good ecological connectivity links to the wider landscape. It is important that this is maintained as green infrastructure."</i> They have therefore requested a full tree survey to ensure that existing tree/hedgerow species of those on the development plot and those adjacent are retained and protected.</p>
5.12	<p>In response, the agent has provided a google earth image with the location of the building boundaries indicated. They state the hedge to the southern boundary is located 12 metres away from the rear boundary of the plot so it would be reasonable to assume minimum impact to the existing hedgerow. The trees to the north were legitimately cleared away before submission of the Planning application so there is again no impact here. The tree to the west is located minimum of 4 metres from the building and at least 3.7 metres from the fence.</p>
5.13	<p>The council's Arboriculture Officer was re-consulted and confirmed the proposal will have minimal negative impact upon existing/retained trees. Given the trees are not subject to a TPO, their location and the separation distance, in this instance it is not considered the tree root protection zone is at risk, and a full tree survey is not required.</p>

5.14	<p>The applicant also proposed additional landscaping at the site in the front of 4no. trees to the front boundary, a border of bird and bee friendly plants within the front garden and additional trees, plans and a hedgerow to the rear of the site. It is considered that the proposed landscape is acceptable.</p>
	<p><u>Ecology</u></p>
5.15	<p>The applicant has submitted a Preliminary Ecological Assessment (PEA) (Be Ecology – dated 3<sup>rd</sup> March 2022). The Council’s Ecologist has been consulted on the application and has confirmed that providing that the mitigation, recommendations and further biodiversity enhancements are carried out that have been outlined within the PEA they have no objections to the proposal. Given the enhancements proposed in the PEA is it considered the application is compliant with the requirements of policy DM1 of the LDP, PPW 11 and the Environment (Wales) Act 2016.</p>
	<p><u>Coal Authority</u></p>
5.16	<p>The site is located within a development high risk area as defined by the Coal Authority; 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. The applicant has submitted a Coal Mining Risk Assessment, dated 30<sup>th</sup> June 2022, prepared by Rhondda Geotechnical Services. The submitted report states there is no threat of ground instability at the site, therefore no further works in this regard are proposed. The Coal Authority has been consulted on the application and confirmed they have no objections to the proposal.</p>
	<p><u>Other Matters</u></p>
5.17	<p>I appreciate the concerns raised by local residents with regards to potential overlooking and overbearing impact of the proposal. However as previously outlined in this report the separation distance between the application site and the properties along Rassau Road is significant enough to ensure there would not be a detrimental impact on these properties.</p>
5.18	<p>As the footprint of the development exceeds 100m<sup>2</sup> the proposal will require SuDs approval. This is dealt with via a separate application and matters such as water run-off will be considered under that application. Furthermore, the Drainage Engineer has not raised any concerns regarding land drainage.</p>
5.19	<p>The Council’s Geotechnical Engineer has been consulted on the application and has confirmed there is no evidence of a shale tip/shale bank at the application site.</p>

5.20	<p>Whilst there would be a loss of green space, the site is located within the settlement boundary and is privately owned by the applicant, therefore is not communal green space and the principle of residential development is considered appropriate. Each application is dealt with on its own merits and the application only deals with the single dwelling proposed. The approval of this application does not necessarily mean further development would be acceptable.</p>
5.21	<p>It is acknowledged that the application site would be visible from public highways such as Rassau Road. The loss of a view from any property or footpath is not a material planning consideration. I also note that there is no record of any Public Rights of Way near the application site. Access to the site and any disruption in terms of construction noise and fumes would be a matter dealt with by Environmental Health.</p>
5.22	<p>In response to comments that the owner has a poor history of completing developments, this is not a material planning consideration.</p>
5.23	<p>There is no record that the land was a former burial ground, however as The Registration of Burials Act 1864 requires that all burials be registered, the land owner should be aware if there is a burial ground within the site. An informative has been applied to this approval stating that if when developing the site the applicant discovers burial then will need to apply to the Ministry of Justice for the removal of the human remains.</p>
5.24	<p>Within their objection letter, neighbouring residents have provided an appeal decision dated 20 May 1991. This appeal decision is a refusal to vary/remove condition 8 of the original outline permission for the development at Sycamore Drive. Condition 8 restricted residential development to within the original red line boundary. The appeal was submitted to remove this condition to allow further residential development beyond the red line boundary, on the land which is subject to this current application. This matter was considered in detail by the case officer as part of the 2005 outline permission on this site, which was subsequently approved for the provision of 2 dwellings. In consideration of the 2005 application the officer acknowledged the 1991 appeal was dismissed on grounds of backland development, and undesirable impact on neighbouring amenity in terms over overbearing and overlooking. However, it was noted by the officer in the 2005 application that the Inspector's reference to backland development was based on the limited information provided with the original application at that time and prior to the construction of the properties that now occupy Sycamore Drive. Given that the 2005 application was for only 2 dwellings on a large scale site, the officer considered that the development would not give rise to unacceptable overlooking or overbearing.</p>

5.25	<p>These matters have been considered as part of the current application and as previously outlined in this report, the proposal is considered acceptable. Furthermore, although the previous approval has now expired, since the appeal was dismissed, the principle of residential development has been considered acceptable under outline application C/2005/0129.</p>
5.26	<p><u>Conclusion</u>            On balance, having considered the above, I am satisfied that the development is acceptable subject to conditions and accords with LDP Policies DM1(2)a,b,c,d, DM1(3)a,c,d and DM2(a). The provision of a house in this location would not have a detrimental impact on neighbouring amenity of the streetscene and will contribute to the mix of dwelling types and housing stock required by LDP Policy SP4. I therefore recommend approval accordingly.</p>

**6. Legislative Obligations**

6.1	<p>The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.</p>
6.2	<p>The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.</p>

**7. Conclusion and Recommendation**

7.1	<p>Planning permission be <b><u>GRANTED</u></b> subject to the following condition(s):</p> <p>1. The development shall be completed in full accordance with the following approved plans and documents:</p> <ul style="list-style-type: none"> <li>• Site Location Plan – recorded received 29<sup>th</sup> March 2022;</li> <li>• Proposed Plans – Drawing No. 01 – recorded received 29<sup>th</sup> March 2022;</li> <li>• Proposed Elevations Sheet 1 of 2 – Drawing No. 02 – recorded received 29<sup>th</sup> March 2022;</li> <li>• Proposed Elevations Sheet 2 of 2 – Drawing No. 03 – recorded received 29<sup>th</sup> March 2022;</li> <li>• Examples of external materials - recorded received 29<sup>th</sup> March 2022;</li> <li>• Proposed Site Sections – Drawing No. SX.01 – recorded received 29<sup>th</sup> March 2022;</li> </ul>
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- Proposed Site Sections – Drawing No. SX.02 – recorded received 29<sup>th</sup> March 2022;
- Proposed Site Layout – Drawing No. SL.01 – recorded received 31<sup>st</sup> March 2022;
- Ecological Assessment, Be Ecological Ltd, Issue 1, VB, dated March 2022.

Reason: To clearly define the scope of this permission.

2. 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.

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

Reason: To clearly define the scope of this permission.

4. The dwelling hereby approved shall not be occupied until all external finishes are completed in full accordance with the details indicated on the approved plans.

Reason: To safeguard the visual amenities of the area.

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

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

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

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

7. The access drive and car parking area as indicated on the approved plans shall be fully constructed in accordance with the approved details prior to the occupation of the dwelling unless otherwise agreed in writing by the Local Planning Authority. A minimum of three parking spaces shall be retained for their designated purpose in perpetuity.

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

8. 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, 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.

9. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

10. No development shall take place until samples of all external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into beneficial use until all external finishes are completed in full accordance with such details as may be approved in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area.

11. The ecological enhancements as outlined in 'Ecological Assessment, Be Ecological Ltd, Issue 1, VB, dated March 2022' shall be installed within 6 months of the development being brought into beneficial use and shall be maintained as such thereafter.

Reason: In the interests of the ecological and biodiversity value of the site.

Informatives:

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

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

2. 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) and the Countryside Rights of Way Act 2000. 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).

3. The site is located in an area overlain with made up ground associated with historical industrial works. If during the course of development any evidence of contamination is found the developer is advised to cease works and contact the Council's Environmental Health section on 01495 355509 for further advice.

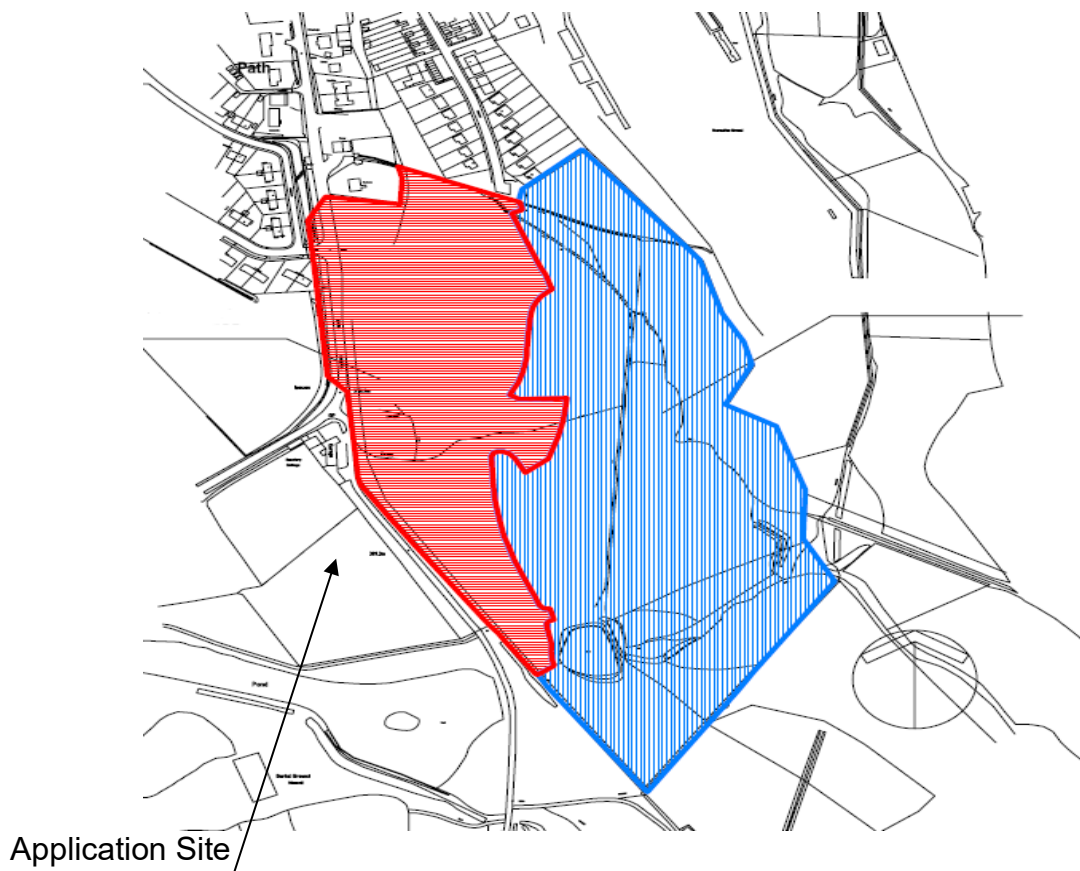
4. The applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.



	<p>5. The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.</p> <p>6. The Registration of Burials Act 1864 requires that all burials be registered. Should the applicant encounter any human remains/a burial when developing the site they would need to apply to the Ministry of Justice for the removal of the human remains.</p>
<b>8. Risk Implications</b>	
8.1	<b>None.</b>

## Planning Report

<b>Application No:</b> C/2021/0290	<b>App Type:</b> Removal/Variation of Condition (RVC)
<b>Applicant:</b> Real Estate Investors Plc 2nd Floor 75-77 Colmore Row Colmore Business District Birmingham B3 2AP	<b>Agent:</b> Asbri Planning Ltd. Mrs Catherine Blyth Unit 9 Oak Tree Court Cardiff Gate Business Park Cardiff United Kingdom CF23 8RS
<b>Site Address:</b> Land adjacent to Park Hill Road, Tredegar	
<b>Development:</b> Variation of Condition 1 (Extend the life of the permission) of planning permission C/2015/0237 (New development for 141 dwellings)	
<b>Case Officer:</b>	Jane Engel



## 1. Background, Development and Site Context

- 1.1 **Background**  
This site has a long history of planning consents for residential development dating back as far as 1959. However, in more recent years full planning permission was granted on 07.07.2010 (C/2009/0328 refers) for the phased development of the site for 141 dwellings. This permission was granted subject to conditions and the completion of a S106 legal agreement to secure affordable housing, the provision and maintenance of children's play space, off-site ecological mitigation and the setting up of a Management Company to manage the communal areas of the site covered by a Landscape and Ecology Masterplan.
- 1.2 In 2015 a Removal/Variation of Condition (RVC) application was submitted to this Council to extend the life of planning permission C/2009/0328 by 5 years. This was granted in January 2016 again subject to conditions and the completion of a S106 agreement (C/2015/0237 refers).
- 1.3 The current application is again a RVC application which is seeking to extend the life of planning permission C/2015/0237 by a further 5 years and does not propose any fundamental changes to the extant permission to develop the site for residential purposes.
- 1.4 **Development and site context**  
This is a full planning application for the development of 141 dwellings on land adjacent to Park Hill Road, Tredegar. The application site is a 'greenfield' site, i.e. it is previously undeveloped land that is open in character, which lies on the southern edge of the urban boundary of Tredegar.
- 1.5 The site climbs the north east flank of Bedwellty Mountain, extending from the defined settlement boundary at 340 metres above sea level upwards and southwards to 380 metres above sea level.
- 1.6 The site lies between the Cefn Golau housing estate, to the north, Tredegar Recreation Ground and Comprehensive School to the east, and open moorland to the south and west. The site is bounded to the west by the B4256 road between Tredegar and Rhymney. Outside the boundary, but in close proximity to the site, is the Cefn Golau Pond, the Cefn Golau Cholera Cemetery Scheduled Ancient Monument and a site managed by the Royal Society for the Protection of Birds (RSPB) to safeguard a population of lapwings.

1.7	The site has a naturally steep gradient from west to east and is 'open moorland' in character, comprising mainly grassland habitat with a number of open streams and ditches. Just outside of the site is an existing pond close to the south west boundary, a steeply wooded valley just below the pond and a ditch and hedgerow running diagonally across the site southwest/northeast. A dilapidated stone boundary wall lies along the western boundary of the site.
1.8	The site extends over the western part of a larger 13 hectare site that is a 'committed' housing site in the adopted Blaenau Gwent Unitary Development Plan. (HC1.22 for 160 units).
1.9	The proposed development includes 141 new dwellings and associated infrastructure, to include a new access point onto Park Hill Road, estate roads and pedestrian/cycle paths, emergency access, the provision of land for a children's play area to a Locally Equipped Area Play (LEAP) standard and public open space/wildlife corridors. In addition to the existing pond, another two balancing ponds are required to facilitate the drainage of the site, one of which is within the red line area of this planning application. The public open space is located at the entrance to the site, around the play area/ pond and interspersed through the site.
1.10	The gradient of the site and existing natural features have had a significant influence on the layout and design on the proposed scheme. The development aims to retain, and where possible enhance, the natural features on the site, such as trees, hedgerows, ponds, the wooded valley, open water courses, ditches and grassland. The gardens of the proposed dwellings are generously proportioned and allow for the transition in levels between properties and, where steeper transitions in levels are necessary, it is proposed to use stone faced gabions. Although no landscaping plan has been submitted with the planning application it is a condition of the extant permission that a Landscape and Ecology Masterplan for the whole site (including the adjacent outline application site) be prepared.
1.11	The proposed new dwellings range in size from 1 bedroom flats to 4 bedroom dwellings and include a wide variety of house types, including flats, two-storey blocks, terraced and semi-detached houses, detached houses and bungalows. The dwellings have been designed to achieve a minimum of Code for Sustainable Homes (CFSH) Level 3 and are also designed to the current Design Quality Requirements (DQR) and Life Time Homes (LTH) standards, and are therefore flexible for a variety of users and future adaptation.
1.12	The design of the dwellings considers the character of existing traditional development in the area in terms of scale, density, form and materials, but

	<p>interprets this in a contemporary manner. The designs include: rain-screen walls (large areas of glazing that are positioned to maximise sun paths for day lighting and passive energy gains), the use of modern self-coloured render and reconstituted stone sills to minimise maintenance, the use of timber boarding, natural stone in both dwellings and some boundary walls, composite slate roofs and turfed low level roofs (such as garages and porches), box dormers and aluminium clad timber windows. It is proposed to minimise the amount of hard-surfacing to facilitate the sustainable drainage of the site, and driveways are proposed to be a permeable paving with stone gravel infill.</p>
1.13	<p>Boundaries around the site (dwellings and other features, such as the ponds) will be secured using natural materials where possible, including stone and soft landscaping. However, close-boarded fencing is proposed to secure the rear boundaries of some dwellings. The stone wall along the western boundary of the site will be rebuilt.</p>
1.14	<p>Access into and across the site has taken into account the site constraints. The main access into the site comprises a single point of entry via a new junction onto Park Hill Road, which leads into a number of estate roads. One of the estate roads joins the end of the existing cul-de-sac, Cefn Parc, but vehicular access to Cefn Parc is restricted to emergency vehicles only by the use of removable bollards. Pedestrian and cycle access is not restricted which provides a more direct route into the town for the residents of the new estate. Likewise, existing residents of Cefn Golau will benefit from access to the play area, allotments (proposed in the later phases of development) and open countryside via this new connection. A new public footpath will be created across the site from Cefn Golau, which will pass through the estate alongside the new allotments, around the existing pond and wooded valley and out into the open countryside. The majority of this route will be completed as part of later phases of development. A pedestrian path / secondary emergency access is also proposed further along Park Hill Road alongside several of the proposed new dwellings.</p>
1.15	<p>The majority of car parking on the site has been designed as driveway parking in front of dwellings/adjacent to individual garages and within garages. However, a number of communal parking areas are also proposed. These car parking areas are grouped in front of the proposed dwellings adjacent to the estate roads and, where possible, have been broken up into smaller groups interspersed with landscaping to lessen their visual impact.</p>

<b>2. Site History</b>			
	Ref No	Details	Decision
2.1	777	Residential Development	Approved (Mon. CC) 09.11.59
2.2	897	Residential Development	Approved (Mon. CC) 15.05.61
2.3	905	Residential Development	Approved (Mon. CC) 09.05.61
2.4	1263	Layout for residential development	Approved 07.06.63
2.5	2544	Residential Development	Approved 12.06.80
2.6	8894	Erection of 275 Dwellings	Withdrawn 01.04.97
2.7	98/0051	Erection of 160 Dwellings	Approved 25.04.99
2.8	2003/0322	Renewal of Planning Permission 98/0051 for 160 dwellings & provision of open space & formation of new vehicular & pedestrian accesses to the site	Approved 18.02.2005
2.9	2009/0328	Residential development at Pentre Parc, Tredegar (outline)	Approved 07.07.10
2.10	2009/0329	New development for 143 dwellings (full)	Approved 07.07.10
2.12	C/2015/0237	Removal of conditions 34,35 & 36 and variation of condition 1 (to extend the life of the existing permission) and variation of condition 2 to amend the proposed site	Approved 7. 1.2016

		layabout drawing (PL2f) of planning permission C/2009/0329	
2.13	C/2015/0236	Removal of conditions 34, 35 & 36 (code for sustainable homes) & variation of condition 38 (to extend the life of the existing permission) of planning permission C/2009/0328	Approved 7.1.2016

### 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 required
3.3	<u>Service Manager Infrastructure:</u> Highways: No highway objections in principle to the residential development in this location, all highway design and construction must satisfy the requirements of the Highway Authority's Design Guidelines/Supplementary Planning Guidance (SPG).
3.4	<u>Drainage:</u> Development would require SAB approval.
3.5	<u>Ground Stability:</u> No objections
3.6	<u>Ecology:</u> Confirm the PEA is acceptable subject to the following: Recommendations and mitigation included in the PEA are conditioned Offsite compensatory provision required Landscape plan to be submitted and approved
3.7	<u>Service Manager Public Protection:</u> The contaminated land condition on the existing planning approval is still relevant. Provisions for the charging of electric vehicles should be made at the housing development.
3.8	<u>Head of Estates and Strategic Asset Management:</u> No objections.

3.9	<p><u>Leisure:</u>          Since the previous granting of planning permission the council has undertaken a full review of its play provision. Taking on board the findings of this review the council would not wish to create any further new static play area sites and are looking to invest in existing provision across all wards. Therefore, Leisure now request that the following is considered as part of this development:</p>
3.10	<p>To upgrade/refurbish existing play provision within the ward to support the recreational needs of the development for residents. This would include Bedwellty Park Play Area and/or Brangwyn Rd Play Area. However, if the properties are aimed at a single/elderly occupancy, the sum would be utilised to improve other suitable recreational facilities.</p>
3.11	<p>Based on the planning obligations Annex 4; 4.3 &amp; 4.4. the appropriate contribution per dwelling would be £3800. This wouldn't be applicable if single bed units are included in the project. Equating to over £500,000, however in this instance the council will be looking for a contribution of £200,000 to upgrade existing play facilities and as these are existing stock would not require any further financial commitment for future maintenance costs</p>
<p><b><u>External Consultation Responses</u></b></p>	
3.12	<p><u>Town / Community Council:</u>          No objections – the planning application was supported as a development of this size would prove a huge boost for Tredegar.</p>
3.13	<p><u>Natural Resources Wales:</u>          No objections.</p>
3.14	<p><u>Welsh Water:</u>          No objections.</p>
3.15	<p><u>Western Power:</u>          Identify apparatus in the vicinity.</p>
3.16	<p><u>W&amp;W Utilities:</u>          Identify apparatus in the vicinity.</p>
3.16	<p><u>Coal Authority:</u>          No response received.</p>



3.18	<p><u>CADW</u> No objections.</p>																						
3.19	<p><u>GGAT:</u> No comments to make.</p>																						
3.20	<p><b><u>Public Consultation:</u></b></p> <ul style="list-style-type: none"> <li>• 45 letters to nearby houses</li> <li>• site notice</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>																						
3.21	<p><u>Response:</u> One letter of objection has been received raising concerns that the development will create high traffic congestion along Harcourt Terrace and comments were also made with regards to the lack of solar panels on the houses.</p>																						
<p><b>4. Planning Policy</b></p>																							
4.1	<p><u>Team Manager Development Plans:</u> Planning Policy agree with the applicant's statement that the scheme is in accordance with the national policy context changes, Planning Policy also welcome the applicant's commitment to deliver the site. There are therefore no planning policy objections to the proposed development.</p>																						
4.2	<p><u>LDP Policies:</u></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 20%;">DM1</td> <td>New Development</td> </tr> <tr> <td>DM2</td> <td>Design and Placemaking</td> </tr> <tr> <td>DM3</td> <td>Infrastructure Provision</td> </tr> <tr> <td>DM4</td> <td>Low and Zero Carbon Energy</td> </tr> <tr> <td>DM7</td> <td>Affordable Housing</td> </tr> <tr> <td>DM12</td> <td>Provision of Outdoor Sport and Play</td> </tr> <tr> <td>DM14</td> <td>Biodiversity Protection and Enhancement</td> </tr> <tr> <td>DM15</td> <td>Protection and Enhancement of the Green Infrastructure</td> </tr> <tr> <td>DM16</td> <td>Trees, Woodlands and Hedgerow Protection</td> </tr> <tr> <td>SB1</td> <td>Settlement Boundaries</td> </tr> <tr> <td>HC1</td> <td>Housing Commitments</td> </tr> </table>	DM1	New Development	DM2	Design and Placemaking	DM3	Infrastructure Provision	DM4	Low and Zero Carbon Energy	DM7	Affordable Housing	DM12	Provision of Outdoor Sport and Play	DM14	Biodiversity Protection and Enhancement	DM15	Protection and Enhancement of the Green Infrastructure	DM16	Trees, Woodlands and Hedgerow Protection	SB1	Settlement Boundaries	HC1	Housing Commitments
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4.3	<u>PPW &amp; TANs:</u> Planning Policy Wales 7 <sup>th</sup> Edition (July 2014) SPG – Planning Obligations, September 2011
4.4	<u>Future Wales Pan 2040</u>

## 5. Planning Assessment

5.1	<p>Welsh Government Circular 016/2014: The use of Planning Conditions for Development Management states that, as general rule, applications for the renewal of planning permission should only be refused where:</p> <ul style="list-style-type: none"> <li>• There has been some material change in planning circumstances since the original planning permission was granted:</li> <li>• Continued failure to begin the development will contribute unacceptability to uncertainty about the future pattern of development in the area; or</li> <li>• The application is premature because the permission still has a reasonable time to run:</li> </ul>
5.2	<p>The previous RVC permission was granted on 7th January 2016 and was considered in light of planning policies contained within the Blaenau Gwent Local Development Plan which are still in force. However, there have been significant changes to the national planning policy context, the most relevant to this application are:</p> <ul style="list-style-type: none"> <li>• National Development Framework: Future Wales – The National Plan 2040(February 2021)</li> <li>• The National Policy Wales Edition 11 (February 2020)</li> </ul> <p>Future Wales – The National Plan 2030 was published on the 24<sup>th</sup> February 2021 and is relevant to this application as it now forms part of the Development Plan. The site is located within one of three National Growth Areas as defined by policy 1 of Future Wales. Policy 1 (Where Wales Grow) identifies that the Welsh Government supports sustainable growth in all parts of Wales. In three National Growth Areas there will be growth in employment and housing opportunities and investment in infrastructure. Policy 33 (National Growth Area – Cardiff, Newport and the Valleys emphasises that the Valleys area covering large parts of Bridgend, Rhondda Cynon Taf, Caerphilly, Blaenau Gwent and Torfaen is a priority Area of the Welsh Government. Shaping Urban Growth and Regenerations – Strategic Placemaking states that the growth and regeneration of towns and cities should positively contribute towards building sustainable places.</p>

5.3	Planning Policy Wales Edition 11 was published on 24 <sup>th</sup> February 2021, The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the socio, economic, environmental and cultural well being of Wales.
5.4	Planning policy have confirmed that they consider the proposal is in accordance with the principles of national policy and I agree with their position. Planning Policy have however highlighted that the developers should consider the provision of electric charging points and I propose a condition requiring the submission of sustainable/renewable energy measures to be provided in accord with policy DM4 of the LDP.
5.5	There have been no other changes in the site circumstances and no alterations to the overall scheme are proposed.
5.6	The regime for the disposal of surface water has changed in the interim and as such the development will now fall under the remit of SuDs and will therefore require approval from the SuDS approving body (SAB) for the treatment of surface water drainage. An informative note will be added to the planning permission to inform the applicant of their duty to apply for SuDS through the SAB. To ensure adequate drainage is proposed for the site in line with current standards a condition will be added requiring details of foul drainage to be submitted for approval.
5.7	Ecology surveys were required and submitted as part of the 2015 application in line with current legislation at the time. Due to the length of time since the preparation of those surveys updated assessments were required as part of the submission of the current application. A Preliminary Ecological Assessment (PEA) (Saltybrewster Ecology) dated February 2022 was submitted in support of the current application which the Council's Ecologist is satisfied with subject to conditions.
5.8	In respect of the continued failure to begin the development it is recognised that the site has been a long standing undeveloped allocation however, Planning Policy welcome the commitment of the developer to deliver the site and have confirmed that it has been submitted as a candidate site for the replacement of the Local Development Plan.
5.9	In relation to prematurity, this application was submitted just prior to the expiry of the earlier permission and as such there are no concerns in this regard.
5.10	The proposed development raises a number of issues that can only be resolved through the use of planning obligations in order to make the

	<p>development acceptable in planning terms. As noted above the earlier permissions were subjected to a S106 agreement to secure appropriate contributions. Following consultation with the relevant consultees these requirements have either been confirmed or where necessary amended to reflect changes in circumstances/council policy</p>
5.11	<p><b>Affordable Housing:</b> The Council's Supplementary Planning Guidance on Affordable Housing requires 10% of new dwellings on qualifying development to be affordable. The applicant has agreed to this requirement.</p>
5.12	<p><b>Children's Play Space:</b> Tredgar is underprovided in terms of the quantity and quality of children's play space. Leisure Service have requested a contribution of £200,000 to upgrade/refurbish to upgrade/refurbish existing play provision within the ward to support the recreational needs of the development for residents. This would include Bedwellty Park Play Area and/or Brangwyn Rd Play Area. The applicant has agreed to fulfill this obligation.</p>
5.13	<p><b>Ecology (off-site):</b> The proposed development has significant impact on the ecological interest of the site. In order to mitigate the full impact the County Ecologist considers that some off site mitigation measures are necessary. The applicant has agreed to a commuted sum of £350,00 to be used for projects on local nature reserves.</p>
5.14	<p>I note the objection received in relation to congestion, however, the Highway Authority have raised no objections to the proposal. I also note the comments regarding lack of solar panels on the properties, a condition is proposed to require the submission of a details of renewable energy measures.</p>
5.15	<p>In conclusion, whilst a number of significant changes to the national planning policy have taken place since the earlier approval it is considered that the development is in accordance with LDP, FW2040 and Planning Policy Wales Edition 11. Moreover, I am not of the opinion that the current application has submitted prematurely or that a further delay in the commencement of this development contributes unacceptably to uncertainty about the future development pattern in the area.</p>
5.16	<p><b>Updating the Decision Notice</b> In issuing an extension of time on the original permission it is considered good practice to review all the existing planning conditions and advisory notes to ensure that they are up to date and reflect the current situation at the time a renewal of permission is issued.</p>

	I have reviewed and where necessary updated conditions and the submitted plans and documents have been updated to take account of the current submission.
<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>A: That the applicant be invited to enter into a Deed of Variation to the S106 signed on the 7.7.2010 relative to planning approval C2009/0328 and that once this is completed planning permission be <b><u>GRANTED</u></b> subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1 Permission is granted subject to the provisions of section 91(1) of the Town and Country Planning Act 1990 namely that the development to which this permission relates must be begun not later than the expiration of 5 years beginning with the date on which the permission is granted. <u>Reason:</u> To comply with the requirements of Section 91 of the Town and Country Planning Act 1990</li> <li>2 The development shall not be carried out except in complete accordance with the details of the following approved plans and documents, except where amended by conditions attached to this planning permission: <ul style="list-style-type: none"> <li>• <b><u>Plans:</u></b></li> <li>• <u>Proposed site layout</u> – drawing No. PL2g, <b>received on 22/06/2015,</b></li> <li>• <u>Site Location Plan</u> Drawing No PL5a, <b>received on 30/09/2021</b></li> <li>• <u>Site Survey</u> – Drawing No S1, <b>received on 29/09/2021</b></li> <li>• <u>General Road Layout</u> Drawing - No PL3b, <b>received on 29/09/2021</b></li> <li>• <u>House Type 1</u> – Drawing Number PL10,</li> <li>• <u>House Type 1A</u> – Drawing Number PL11,</li> </ul> </li> </ol>

- House Type 1A (T) – Drawing Number PL12,
- House Type 1 (B) – Drawing Number PL13,
- House Type 1B (T) – Drawing Number PL14,
- House Type 2 – Drawing Number PL15,
- House Type 2A – Drawing Number PL16,
- House Type 3 – Drawing Number PL17,
- House Type 3A – Drawing Number PL18,
- House Type 4 – Drawing Number PL19,
- House Type 5 – Drawing Number PL20,
- House Type 6 – Drawing Number PL21,
- House Type 6A – Drawing Number PL22,
- House Type 7 – Drawing Number PL23,
- House Type 7A – Drawing Number PL24,
- House Type 8 – Drawing Number PL25,
- House Type 8A – Drawing Number PL26,
- House Type 9 Drawing Number PL27,
- House Type 9A – Drawing Number PL28,
- House Type 9B – Drawing Number PL29,
- House Type 1G – Drawing Number PL30,
- House Type 1A(G) – Drawing Number PL31,
- House Type 1A(TG) – Drawing Number PL32,
- House Type 1B(G) – Drawing Number PL33,
- House Type 1B(TG) – Drawing Number PL34,
- House Type 2(G) – Drawing Number PL35,
- House Type 2A(G) – Drawing Number PL36,
- House Type 3(G) – Drawing Number PL37,
- House Type 4(G) – Drawing Number – PL38,
- House Type 6(G) – Drawing Number PL39,
- House Type 6A(G) – Drawing Number PL40,
- Detached Garage Type1 – Drawing Number PL41,
- Detached Garage Type 2 – Drawing Number PL42,
- House Type 2(T) – Drawing Number PL43,
- House Type 2A(T) – Drawing Number PL44,
- House Type 6(T) – Drawing Number PL45,
- House Type 6A(T) – Drawing Number PL46,
- House Type 2A(TG) \_ Drawing Number PL47,
- House Type 6A(TG) - Drawing Number PL48, **all received on 30 September 2021**

Documents:

- Transport Assessment - Residential Development at Park Hill, Tredegar – August 2009, Banners Gate Highways & Transportation, received 22/06/15;
- Drainage Strategy – New Housing Development at Park Hill, Tredegar - August 2009, Gemma Design & Building Services, received 22/06/15;
- Phase II Geo-Environmental Assessment – Interim Contamination Report, Site at Park Hill, Tredegar, South Wales, by Ivy House Environmental, received 22/06/15;
- Coal Mining Risk Assessment Report, Land off Park Hill, Tredegar, May 2015, prepared by Terra Firma (Wales) Ltd., Job No. 13171, received 22/06/15;
- Ecological Assessment at Park Hill, Tredegar – June 2009, Howells Ecology, received 22/06/15;
- Breeding Bird Survey\_Park Hill Tredegar– June 2009, on behalf of Howells Ecology, received 22/06/15;
- Invertebrate Survey\_Park Hill Tredegar – August 2009, on behalf of Howells Ecology, received 22/06/15;
- Reptile Survey Report Park Hill, Tredegar, 22/06/15, by Wildwood Ecology Ltd, received 22/06/15;
- Tree Assessment\_Park Hill Tredegar - Bats – June 2009, on behalf of Howells Ecology, received 22/06/15;
- Bat Activity Surveys\_Park Hill Tredegar– July 2009, on behalf of Howells Ecology, received 22/06/15;
- Great Crested Newt Survey at Park Hill Tredegar –June 2009, by Howells Ecology, received 06/10/2009;
- Great Crested Newt eDNA Testing Report, Park Hill, Tredegar, dated 22/06/15, by Wildwood Ecology Ltd, received 22/06/15.
- Preliminary Ecological Appraisal (Saltybrewster Ecology) dated February 2022

Reason: For the avoidance of doubt and to ensure compliance with the approved plans and documents.

- 3 This permission does not relate to the Site Strategy Plan (Drawing No. PL6c) or the Suggested Phasing Plan, stamped received 22/06/15, submitted with the Outline planning application.

Reason: For the avoidance of doubt as to the extent of this permission.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no enlargements, improvements or other alterations to the dwellings, including the erection of outbuildings or

	<p>means of enclosure, shall take place without the prior written approval of the Local Planning Authority.</p> <p><u>Reason:</u> To retain effective planning control of the site in the interests of the visual amenity of the residential development and its wider landscape setting.</p> <p>5 Prior to the commencement of development, a phasing plan for the construction of houses shall be submitted for the approval of the Local Planning Authority. The development must be completed in accordance with any such phasing plan.</p> <p><u>Reason:</u> To control the phased development of the site.</p> <p>6 The development hereby approved shall not be occupied until a new junction configuration/right turning lane on Park Hill Road providing access to the proposed development is provided as detailed on Drawing No. PL3b, received 22/06/2015.</p> <p><u>Reason:</u> To ensure the development takes place in an acceptable manner.</p> <p>7 None of the dwellings hereby approved shall be occupied until the roads and footways serving that part of the site on which the dwelling is located have been constructed to a minimum binder course level and the street lighting serving that part of the site has been erected and energised. All work shall be carried out in accordance with details that have been submitted to and approved by the Local Planning Authority.</p> <p><u>Reason:</u> To enable the vehicular needs of the development to be adequately served.</p> <p>8 The construction of the development hereby permitted shall not commence until details of the following off-site highways works (a - e) have first been submitted to and approved in writing by the Local Planning Authority and no dwellings shall be occupied until these works have been carried out in accordance with the approved details:</p> <ul style="list-style-type: none"><li>a) A Traffic Speed Reduction scheme and additional pedestrian refuge islands/crossing provisions shall be installed along the whole length of Park Hill B4256 highway;</li><li>b) A new bus stop facility shall be installed along both sides of Park Hill B4256 to serve the new residential development;</li><li>c) A gateway feature on Park Hill shall be provided to define the urban/rural boundary on the south side of Tredegar;</li><li>d) A pedestrian link footway /cycle route shall be provided to link the site direct to Tredegar Comprehensive School;</li></ul>
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e) Notwithstanding the details shown on approved Drawing No. PL3b, received 22/06/2015, the new footway adjacent to the garage on Park Hill should be provided as a fully constructed footway.

Reason: In the interests of highway safety and to ensure a range of sustainable travel options to the site.

9 The car parking spaces in front of plots 32 to 43 should be demarcated/ linked with the dwellings that they directly abut.

Reason: To avoid obstructive car parking and possible car parking conflicts

10 Notwithstanding the submitted details, prior to the construction of the development hereby approved samples of all external finishes, including walls, roofs, boundary treatments, enclosures, gabions (or other retaining structures), minor structures and hard landscaping, shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity.

11 Prior to the construction of each phase of the development hereby approved details of the position, height and materials of walls/fences and other enclosures and minor structures, such as refuse facilities relating to that phase, shall have first been submitted to and approved in writing by the Local Planning Authority. The phase of development shall be completed in accordance with the approved details.

Reason: To ensure an acceptable form of development.

12 Prior to the construction of the development sustainable/renewal energy measures shall be submitted for the approval of the Local Planning Authority

Reason: In the interests of the sustainable development

12 Prior to the commencement of the development proposals for the repair/ reconstruction of the dilapidated stone wall on the western boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The wall shall be repaired/ reconstructed in accordance with the approved details and prior to the beneficial occupation of any dwellings hereby approved.

Reason: In the interests of the historic environment and visual amenity.

13 If the development has not commenced by February 2025, further surveys of the site for reptiles and bats (on trees identified as being of

moderate /high value for bats) shall be undertaken and submitted for the approval of the Local Planning Authority. All recommendations contained in any approved report shall be taken into account in the preparation of the comprehensive Landscape and Ecology Masterplan for the site (see condition 14 of this planning permission).  
Reason: To safeguard these protected species.

14 Prior to the commencement of development, a comprehensive Landscape and Ecology Masterplan shall be prepared, submitted to and approved in writing by the Local Planning Authority, in accordance with terms of reference that have been previously agreed in writing by the Local Planning Authority. The Masterplan shall have regard to the recommendations contained in the submitted ecological reports listed in Condition 2 of this planning permission and to the recommendations of any subsequent ecological reports published post-June 2017. The development hereby approved shall be carried out in accordance with the approved Landscape & Ecology Masterplan.  
Reason: To ensure that robust green infrastructure is integrated into the entire development, including adequate on-site mitigation of the ecological and landscape impacts of the scheme.

15 Prior to the commencement of each phase of development as approved through condition 5 full details of a scheme of all landscape works shall be submitted to and approved in writing by the Local Planning Authority for each phase of development. The scheme of landscaping shall fully accord with the approved Landscape and Ecology Masterplan and shall include (inter alia) the following details:

- a) The location, species, girth or stem diameter and accurately plotted crown spread of all trees on and adjoining the site;
- b) A numbered tree condition schedule with proposals for retention removal, surgery or other works where appropriate;
- c) Existing site levels including where appropriate sufficient details to allow proper consideration of retained tree protection;
- d) Details of existing and proposed watercourses, ponds, services and other artefacts;
- e) Details of all earthworks to include the proposed grading and mounding of land areas, ponds and the levels to be formed.
- f) Details of all hard landscape works;

g) Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with tree, plant and grass establishment such as ground preparation, tree pit details and root barrier methods), and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

The landscape works for each phase of development shall be carried out strictly in accordance with the approved details and prior to the occupation of any part of that phase of the development.

Reason: To ensure that an appropriate landscaping scheme is submitted and implemented to ensure the development contributes to the visual amenities of the area.

16 No development shall take place in relation to each phase of development, (including site clearance works) until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme/tree protection plan for the protection of the trees/hedgerows on the site to cover that phase. All works and measures identified in the approved scheme/tree protection plan for that phase of development shall be implemented in accordance with timescales to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure protection of any trees and hedgerows to be retained and to avoid any unnecessary damage to their root system.

17 No works shall commence on site in relation to each phase of development until a site specific Arboricultural Method Statement (AMS) is submitted to and approved in writing by the Local Planning Authority to cover that phase. The AMS must be prepared by an appropriately qualified professional and shall include details of service runs (electricity, gas, drainage telecommunications etc) and details of working in close proximity to identified Root Protection Areas. All works on site must be undertaken in full accordance with the recommendations and timescales of an approved AMS for each phase of development.

Reason: To ensure protection of any trees and safeguard the landscape and visual amenities of the area.

18 None of the existing trees, shrubs or hedges on the site of whatever species shall be felled, lopped or topped (excluding regular trimming of hedges) uprooted or wilfully damaged without the prior written consent of the Local Planning Authority. If any of the trees, shrubs or hedges are removed without such consent, or if any die or are damaged, they shall be replaced with others of such species, number or size agreed in writing

with the Local Planning Authority.  
Reason: To protect the existing landscape features of the site.

19 No development shall commence on site for each phase of development until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority for that phase. The Statement shall include details of :-

- hours of working;
- the parking of vehicles of site operatives and visitors;
- wheel washing facilities;
- storage of plant and materials used during demolition and construction;
- The erection and maintenance of security hoardings
- Measures to control the emissions of dust and dirt during demolition and construction;
- Details of the proposed demolition methods and scheme for the recycling/disposing of waste resulting from demolition and construction works;
- Siting and details of any required construction compound;
- 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.

Such details and measures as contained in CEMP approved by the Local Planning Authority for each phase of development shall be adhered to throughout the construction period for that phase.

Reason: To ensure that the impacts of the demolition and construction phase of the development on the local amenity interests and biodiversity are adequately addressed.

- 20 No development or site clearance shall take place for each phase of development until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority for that development phase.

Reason: To identify and record any features of archaeological interest discovered during the works and to mitigate the impact of the works on the archaeological resource.

- 21 Notwithstanding any details indicated on the approved plans no development shall commence on site until details are submitted to and approved in writing by the Local Planning Authority of a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with. None of the dwellings hereby approved shall be occupied until all drainage works relating to that property and its connection to the wider drainage network are completed in accordance with the approved details.

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

- 22 No development shall take place until an assessment of the stability of the land (and the surrounding area) has been carried out in accordance with a methodology which must first be submitted to and approved in writing by the Local Planning Authority, and shall take account of the recommendations of the Coal Mining Risk Report: Land off Park Hill Tredegar (Job No. 13171), prepared by Terra Firma (Wales) Ltd., dated May 2015 and received 23.06.15. The results of such an assessment (and any intrusive site investigation works identified as being necessary) shall be submitted to the Local Planning Authority before works commence on site. If any land instability issues are found during the site

investigation, a further report specifying the measures to be taken to remediate the site to render it suitable for the development hereby approved shall also be submitted to and approved in writing by the Local Planning Authority before works commence on site. The development shall not be brought into use until all the measures identified as necessary in any reports on that part of the site and that are approved by the Local Planning Authority are implemented and the Local Planning 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: The Local Planning Authority is aware that the site may be affected by land instability and considers that this should be addressed prior to development.

- 24 All works undertaken shall be implemented in full accordance with the recommendations contained in Phase II Geo-Environmental Assessment – Interim Contamination Report, Site at Park Hill, Tredegar, South Wales, by Ivy House Environmental, received 23.06.15. The development shall not be brought into 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 relating to that part of the site have been fully implemented.

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

- 25 Prior to the commencement of each phase of the development, constructional details of cuttings, retaining walls and platforms, including structural calculations, certified by a Chartered Engineer, shall be submitted for the approval by the Local Planning Authority. Each phase of development shall be implemented in accordance with the approved details.

Reason: To ensure the development takes place in an acceptable manner

- 26 Prior to the construction of each phase of the development hereby approved full details of existing site levels and proposed site, road and slab levels, including cross-sectional drawings for each phase, shall be submitted for the approval of the Local Planning Authority. All works subsequently undertaken shall be in full accordance with the approved details of each phase of development.

Reason: To ensure the development takes place in an acceptable manner and to define the scope of this permission.

- 27 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound must be at least equivalent to the combined capacity of the tank plus 10%. If there is multiple tankage the compound must be equivalent to the combined capacity of the tanks. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system must be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work must be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

- 28 Prior to the commencement of each phase of development an external lighting plan shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Natural Resources Wales. The plan shall be implemented prior to the occupation of any dwellings associated with that phase of development.

Reason: To ensure that dark movement corridors for light sensitive species of bat are maintained around the site.

- 29 Prior to the commencement of each phase of the development a scheme shall be submitted detailing how the safety and security of the proposed ponds, footpaths through the site, allotments and rear gardens of properties adjoining footpaths (where relevant to each phase) will be achieved, having regard to other approved details such as the landscaping scheme, lighting scheme, engineering works etc. The scheme shall be agreed in writing by the Local Planning Authority and the development will be implemented in accordance with the approved scheme prior to the occupation of any dwellings associated with that phase of development.

Reason: In the interest of residential amenity and creating safer, sustainable communities.

#### Informative Advice

- 1 The Highway Authority provide the following advice in relation to the development:

- a. The main access road is to be constructed in accordance with the Highway Authority's Design Specification and shall be the subject of a Section 38 Agreement under the Highways Act 1980 if it is intended to offer the highway for formal adoption by the Highway Authority. Advanced junction and new road layout traffic signs must be incorporated into the new junction design.
- b. The off-site highways works must be the subject of a Section 278 Agreement under the Highways Act 1980 with no works commencing until the agreement is in place to the satisfaction of both Legal Parties. Advanced junction and new road layout traffic signs must be incorporated into the new junction design.
- c. Stage 1, 2 and 3 Safety Audits must be carried out with all recommendations being implemented before occupation of the residential site occurs.
- d. The Highway Authority will design the street lighting layout on a rechargeable basis, or if designed by the developer must be to the Highway Authority standards.
- e. Details of traffic signs and road markings area to be submitted in accordance with the Gwent County Council's Design Guidelines. 'No through road' symbol is to be included in street name plates in accordance with diagram 816.2 of the Traffic Signs Regulations and General Direction 1994. All name plates shall have the Local Authority's crest incorporated into them.
- f. Visibility splays of 4.5 metres by 70 metres in both directions at the main junction with the access road onto the public highway should be achieved, with dropped radius kerbs for pedestrians crossing at the tangent points with the correct tactile surfacing configuration. No planting or obstacles within the required visibility splays must exceed 0.9 metres in height.
- g. All highway design and construction must satisfy the requirements of the Highway Authority's Design Guidelines:
  - *Residential, Industrial and Commercial Estate Roads Design Guide January 2003*



- *Supplementary Planning Guidance - Access, Car Parking and Design April 2014*

In order to comply with these design guidelines the internal access road layout must be amended to achieve a carriageway gradient which does not exceed 1 in 10.

- 2 The developer should have regard to their responsibilities under the relevant national, European and international wildlife legislation. The developer is advised that no scrub should be removed or trees felled during the bird nesting season (March to August inclusive). The developer should consider provision of bat access into the new build dwellings. In the event of bats being found on the site all works should stop immediately and NRW should be consulted.
- 3 The developer is advised to liaise with the relevant statutory undertakers (Welsh Water, Western Power Distribution, Wales & West Utilities) to discuss their requirements in detail with regard to the location of existing infrastructure and the provision /connection of services to the site.
- 4 There is a public right of way crossing the site. This planning permission does not authorise any diversion, stopping up or other impediment to the use of that right of way. The developer is advised to contact the Rights of Way officer of this Authority prior to the commencement of development.
- 5 The developer is advised that the development will require SuDS approval prior to works commencing on site. Further guidance can be found at <https://www.blaenau-gwent.gov.uk/en/resident/planning/how-to-apply-for-planning-permission/permission-for-drainage/>. On this basis any surface water drainage details submitted as part of your application have not been considered. Should it be necessary to amend your development to meet the requirements of the SAB(SaDS Approval Body) you should seek further advice from the Local Planning Authority.

## 8. Risk Implications

8.1 None

## Planning Report

<b>Application No:</b> C/2021/0329	<b>App Type:</b> Full
<b>Applicant:</b> Rhyd Development School House Llanellen Abergavenny NP7 9HT	<b>Agent:</b> Planning Consultancy Ltd 71 Heol Trecastel Caerphilly CF83 1AF
<b>Site Address:</b> Land Adjoining Park Hill, Park Hill Road, Tredegar	
<b>Development:</b> Construction of three new detached dwellings served by new shared driveway with parking provision for 2 cars on each plot; including landscaping, services & off site highway improvement works.	
<b>Case Officer:</b>	Jane Engel



### 1. Background, Development and Site Context

1.1	The site has a long history of planning applications the most recent of which C/2017/0193 refused planning permission for the construction of 4 dwellings on the site. The reason for refusal related to the concerns that
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the construction of 4 dwellings of the size and in the positions proposed would constitute overdevelopment of the site. A subsequent appeal to the Planning Inspectorate was dismissed.

1.2 The current application before Members seeks to overcome this concern and proposes the construction of three detached houses,

1.3 The application site is a roughly rectangular shaped parcel of vacant greenfield land, containing grassland and scrub, sandwiched between residential properties on Cefn Parc to the east and Park Hill Garage and residential properties at Park Hill to the west. The boundaries of the site are defined by a combination of chain mesh, timber fencing and maintained domestic hedges.



1.4 The plans show 3 houses arranged along a private driveway, two of which are sited east of the access and one to the southern end of the site. Vehicular access is gained via the existing rear lane to the north of the site serving properties on Park Hill and Morgan Terrace.

1.5 The proposed dwellings are three bedroomed units with two of the bedrooms located within the roof space. The plans indicate that the properties will have a slate roof and a painted render finish. Two car parking spaces will be provided within each plot. Details have also been submitted indicating how the site will be landscaped.

1.6	Offsite highway improvement works have been identified to the adopted highway approaching the site and a turning head will be provided to the at the northern edge of the site.
1.7	The application is supported by a noise survey and a preliminary ecological assessment and a reptile survey.
1.8	The site is located in a high risk coal mining area as defined on the constraints map.

## 2. Site History

	Ref No	Details	Decision
2.1	9718	Residential development	Refused 16.6.92
2.2	2004/0240	2 new dwellings	Approved 9.9.04
2.3	2007/0458	Renewal of outline	Approved 4.10.20 07
2.4	2010/0338	Renewal of outline	Approved 4.11.10
2.5	2015/0401	Renewal of outline	Refused 27.01.1 6
2.6	C/2017/0193	Construction of 4 no. new detached dwellings with associated parking, landscaping and off site highway improvement works	Refused 24.11.2 020 Appeal Dismissed

## 3. Consultation and Other Relevant Information

3.1	<b>Internal BG Responses</b>
3.2	<u>Team Leader Building Control:</u> Building Regulations are required
3.3	<u>Service Manager Infrastructure:</u> Highways:

	No objections
3.4	<p>Drainage: A separate consent for surface water drainage will be required from the Sustainable Drainage Systems (SuDS) Approval Body (SAB).</p>
3.5	<p>Ground Stability: Confirmed that previous comments apply:</p>
3.6	<p>There are no objections to the proposed development in principle. The developer must demonstrate by way of a site investigation report that the ground is suitable for the intended development from a geotechnical and geoenvironmental perspective.</p>
3.7	<p>Slope stability assessment be required to confirm the development will not have an adverse effect upon the stability of the site.</p>
3.8	<p>Ecology: No objection subject to the recommendations and mitigation measures set out in section 5 of the submitted Preliminary Ecological Assessment being implemented</p>
3.9	<p>Arborist: Request replacement trees are planted to mitigate for the loss.</p>
3.10	<p><u>Service Manager Public Protection:</u> The land the houses will be built upon is directly adjacent to a commercial garage that has a spray booth. We have historically received odour complaints but no nuisance has been established.</p>
3.11	<p>Advise that provisions for the charging of electric vehicle at the property be made.</p>
3.12	<p>Following an update to the submitted noise report – no objections to the proposal from a noise aspect.</p>
3.14	<p>Recommend a condition requiring submission of a construction and environmental management plan.</p>
3.15	<p><u>External Consultation Responses</u></p>
3.16	<p><u>Town / Community Council:</u></p>

	<p>Inkerman Terrace adjoins a narrow strip of land this would cause highway issues with the loss of the turning area currently in place. Members could not envisage a viable solution that would work in respect of congestion and highway issues. There is also a possible issue in respect of over-development.</p>
<p>3.17</p>	<p><u>Welsh Water:</u>          Confirm capacity exists within the public sewerage system. Advises that the development may require approval of Sustainable Drainage Systems (SuDS) and that no surface water from any increase in the roof area of the building/or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.</p>
<p>3.18</p>	<p><u>Western Power:</u>          Identify apparatus in the vicinity</p>
<p>3.19</p>	<p><u>Wales and West Utilities:</u>          Identify apparatus in the vicinity of the site</p>
<p>3.20</p>	<p><u>Coal Authority</u>          No objections</p>
<p>3.21</p>	<p><b><u>Public Consultation:</u></b></p> <ul style="list-style-type: none"> <li>• 50 letters to nearby houses</li> <li>• site notice</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> </ul>
<p>3.22</p>	<p><u>Response:</u></p> <p>Five letters have been received from residents objecting to the proposal on the following grounds</p> <ul style="list-style-type: none"> <li>• Loss of privacy – the development will overlook outside living area, conservatory and living room</li> <li>• Water and drainage issues – land has previously been flooded due to a blocked culvert</li> <li>• Concerns relating to the position of soakaways</li> <li>• Concerns over additional foul sewage</li> </ul>

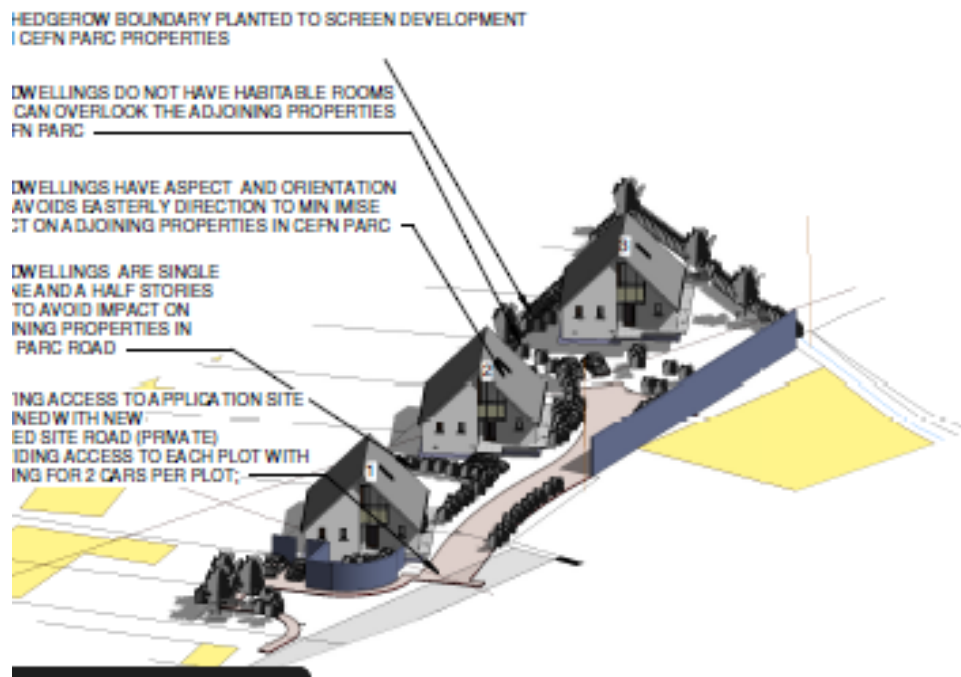
	<ul style="list-style-type: none"> <li>• Responsibility of drainage matters</li> <li>• Requests details of SUDS drainage</li> <li>• Overdevelopment of the site</li> <li>• Subsidence</li> <li>• Distance to existing stream</li> <li>• Plans state that there are no trees or hedges on the site</li> <li>• Impact on wildlife/biodiversity value of the site</li> <li>• Not a lot of room left for biodiversity</li> <li>• Traffic problems in the area is getting worse and the development of the health centre is often causing gridlock and road closures</li> <li>• Park Hill is impossible to pull onto safely</li> <li>• Parking is a huge problem in Parkville, Inkerman Terrace, Morgan Terrace, Cefn Parc and on Park Hill</li> <li>• The proposed turning head was landscaped as part of a flood prevention scheme on the 1980's. This area has been maintained by residents of Cefn Parc</li> <li>• Inkerman Terrace is narrow and refuse lorries cannot go further than 18</li> <li>• Plans do not allow access to the back of properties for maintenance</li> <li>• Query on landownerships matters</li> <li>• Loss of value to existing properties</li> <li>• Lane used by children to play</li> <li>• Queries as to the description of the existing use of the site</li> <li>• Description of boundary fences</li> <li>• Houses not needed</li> </ul> <p>Human Rights Act which states that a person has a right to the peaceful enjoyment of all their possession which includes their home and other land</p>
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4. Planning Policy	
4.1	<u>Team Manager Development Plans</u>
4.2	<u>Local Development Plan Policies:</u> <ul style="list-style-type: none"> <li>• SP1 Northern Strategy Area- Sustainable Growth and Regeneration</li> <li>• SP4 Delivering Quality Housing</li> <li>• SP5 Spatial Distribution of Housing Sites</li> <li>• SP7 Climate Change</li> <li>• SP10 Protection and Enhancement of the Natural Environment</li> <li>• DM1 New Development</li> <li>• DM2 Design and Placemaking</li> <li>• DM14 Biodiversity Protection and Enhancement</li> <li>• DM15 Protection and Enhancement of the Green Infrastructure</li> </ul>

<p>4.3</p> <p>4.4</p>	<ul style="list-style-type: none"> <li>• DM16 Trees Woodlands and Hedgerow Protection</li> <li>• SB1 Settlement Boundary</li> </ul> <p><u>Supplementary Planning Guidance</u></p> <ul style="list-style-type: none"> <li>• Access, Car Parking and Design (March 2014)</li> </ul> <p><u>National Planning Policy</u></p> <ul style="list-style-type: none"> <li>• Planning Policy Wales (Edition 11, February 2021)</li> <li>• Future Wales: The national plan 2040</li> <li>• Technical advice note (TAN) 5: Nature Conversation and Planning</li> <li>• Technical advice note (TAN) 12: design</li> </ul>
<p><b>5. Planning Assessment</b></p>	
<p>5.1</p> <p>5.2</p> <p>5.3</p> <p>5.4</p> <p>5.5</p>	<p><u>Principle of development</u></p> <p>Future Wales - the National Plan 2040 was published on the 24th February, and therefore is relevant to this application as it now forms part of the Development Plan. Policies 1 and 33 support sustainable growth in all parts of Wales with Cardiff, Newport and the Valleys identified as one of three National Growth Areas. Emphasis is given to supporting opportunities and growth.</p> <p>Policy 2 seeks to support a rich mix of residential (providing a variety of housing types and tenures) commercial and community uses within close proximity to each, to create activity and sustainable development. Policy 7 encourages the planning system to facilitate the provision of additional market and affordable housing.</p> <p>Being mindful of the nature of the proposal and its location, the application is considered compliant with these policies.</p> <p>Chapter 3 of Planning Policy Wales, (ed 11 February 2021) identifies that design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. Subsection 4.2.2, specifies that Local Authorities must seek to enable the provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places. Whilst chapter 5 advocates Local Authorities to support developments that have demonstrate integral sustainable building design principles to reduce energy demand and improve efficiency</p>

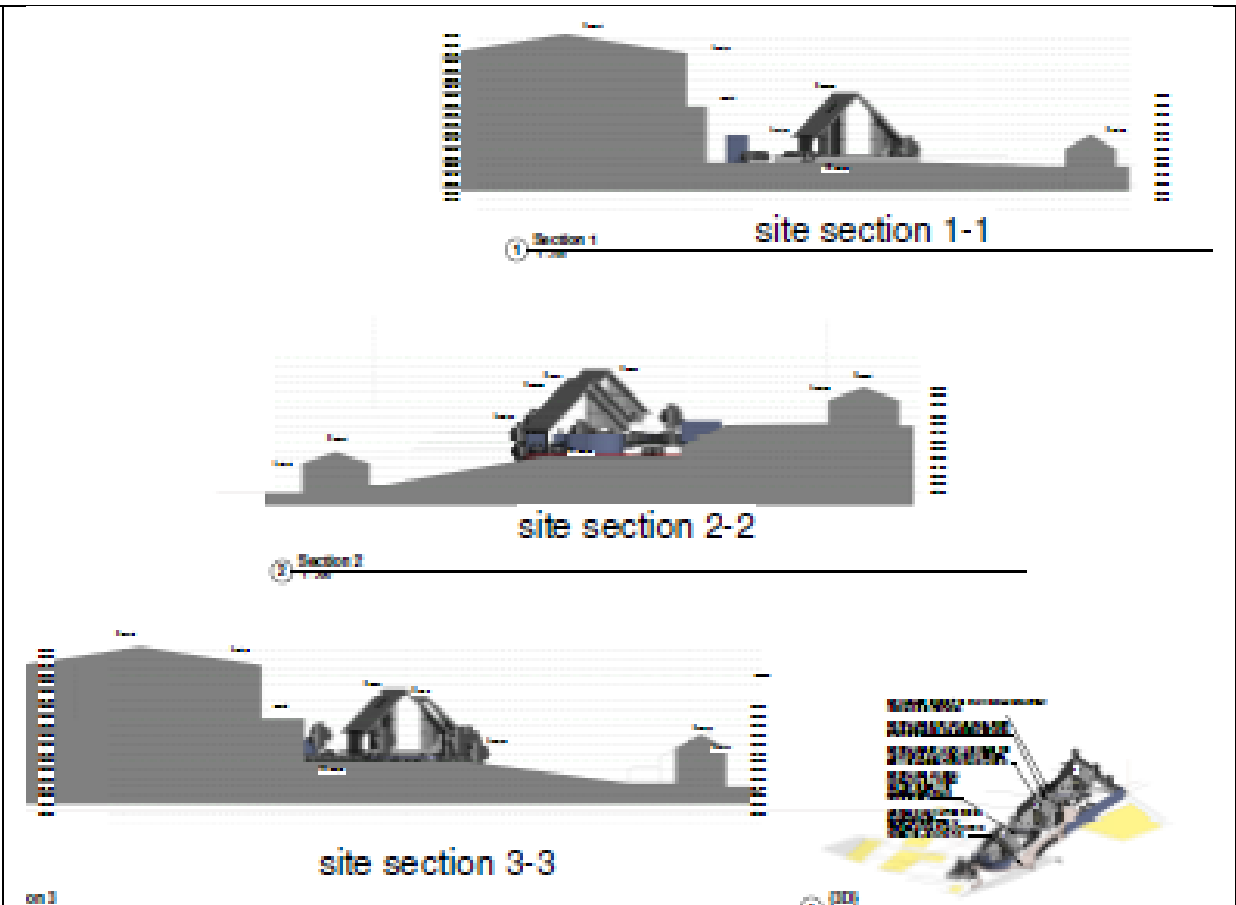


5.6	The adopted Blaenau Gwent Local Development Plan (LDP) indicates that the site lies within the settlement boundary within which development is normally permitted, subject to policies within the plan and other material planning considerations.
5.7	The site lies within a primarily residential area and is considered to be compatible in land use terms in accord with LDP Policy DM1 (2)a.
5.8	LDP Policy SP4 Para 6.33 states that a mix of dwelling types, sizes and tenures will need to be delivered to meet the local housing needs of the population whilst SP5 identifies an allowance for completions to date, windfall contributions, small sites, conversions and demolitions totalling 826 dwellings across the borough. The development proposes three 3 bed houses and would contribute to the housing requirements under policies SP4 and SP5.
5.9	Given the position and context of the site, the principle of residential development is considered acceptable and compliant with the relevant LDP policies.
5.10	<u>Site Layout, Scale and Appearance</u>
5.11	Policy DM2 requires development to be appropriate to the local context in terms of type, form, scale and mix.
5.12	The properties in the immediate vicinity of the site on Cefn Parc and Park Hill are a mix of two and single storey units typified by generous curtilages. The current proposal for two storey dwellings is considered acceptable in this regard. It is accepted that the design of the properties is non-traditional, however, the use of render and slate finishes are considered appropriate.



- 5.13 The previous refusal (and subsequent appeal) relating to 4 houses concluded that the proposed dwellings would have had restricted garden areas and appear cramped. The current proposal has addressed this issue by reducing the number of dwellings, providing each with a generous rear garden and parking areas to the front.
- 5.14 Based on the plans submitted it is considered that the application represents an acceptable level of development and the proposal has overcome the previous reasons for refusal.
- 5.15 Access/Parking
- 5.16 Access to the site will be off Park Hill via the rear lane serving properties on Morgan Terrace, Inkerman Terrace and Park Hill. The submitted details indicate that off-site improvement works to the public highway leading to the site will widen the existing access road and provide a 1.2m wide site footpath. The Team Leader Built Infrastructure has confirmed that he has no objections to this proposal subject to the off-site works being undertaken.
- 5.17 I note the concerns of objectors in relation to the access to the site, highway safety etc. However, as stated above the Team Leader Built Infrastructure has confirmed that he has no objections to the proposal in this regard. The proposed properties each have dedicated parking within their plot and the highway authority has confirmed that the development

	meets the requirements of the Council's Supplementary Planning Guidance Access and Parking Design Guide.
5.18	<u>Neighbouring Amenity</u>
5.19	The plots back onto the gardens of properties on Cefn Parc. However, the proposed houses have been sited at an angle relative to the rear boundaries. The design of the dwellings is such that there is no direct overlooking of these properties. Although some overlooking of the gardens may occur this would be no worse than that currently experienced from neighbouring properties. Additionally, the distance of at least 10m between the plots and the properties on Cefn Parc would be sufficient to prevent any significant overshadowing of these gardens or overbearing impact.
5.20	Objectors have raised concerns with regards to loss of privacy. Given the proximity of the properties to the boundaries of properties on Cefn Parc I consider this to be a legitimate concern. However, the design and siting of the dwellings is such that there are no windows proposed in the eastern elevation of the proposed properties that would overlook the existing dwellings. Furthermore, proposed hedgerow planting along this eastern boundary would also serve to limit any overlooking between the gardens.
5.21	Concerns have also been raised about the potential for overshadowing and loss of light. Although the site is elevated above the gardens to the east, I am satisfied that the siting of the dwellings and the maintenance of over 10m distance between the houses would prevent any significant overshadowing.



- 5.22 Following consultation, Environmental Health raised concerns about the proximity of the site to Park Hill Garage and the potential impact that the garage operation could have on the residential amenity of the occupants of the new dwellings in terms of odour and noise. I have discussed these concerns with colleagues in Environmental Health who have confirmed that the complaints they have referred to regarding such matters are historical rather than current as such I would consider it difficult to justify refusal of this application on such grounds.
- 5.23 The applicant has also submitted a noise survey which Environmental Health has confirmed is satisfactory. As a result, they have confirmed that they do not object to the development subject to the imposition of a condition which will require the submission and approval of a Construction Management Plan before works can commence on site.
- 5.24 Ground Conditions/Stability/Subsidence
- 5.25 The Coal Authority have raised no objections to the development and are satisfied with the conclusions of the submitted Coal Mining Risk Assessment. The Council's geologist has requested the submission of a site investigation to determine the foundation type. However, this matter

	<p>will be dealt with by Building Regulations, I note the request for a slope stability assessment. Should this application be approved I propose that a condition could be imposed that would require such assessment to be submitted for approval.</p>
5.26	<p>Concerns have also been raised about the stability of the retaining wall to the adjoining garage and the potential for the development to cause subsidence to adjoining properties. It is the developer's responsibility to ensure that the site is developed in a safe manner. Should any development of this site cause damage to a third party's property this would be the developer's responsibility and the subject of civil proceedings.</p>
5.27	<p><u>Drainage/Flooding</u></p>
5.28	<p>The Council drainage engineer has previously advised that the flooding issues encountered on this site were caused by open ditch culverts in the field to the south of the site and that these issues have now been resolved,</p>
5.29	<p>The surface water drainage for the site will be subject to a separate application for SuDs application to the SAB Authority should this application be approved.</p>
5.30	<p>Welsh Water have confirmed that they have no objections in relation to the capacity of the sewerage system in the area.</p>
5.31	<p><u>Ecology/Trees</u></p>
5.32	<p>Whilst it is acknowledged that the works will result in the loss of habitat types that are considered to have local value to wildlife, the proposed details submitted propose a range of measures to mitigate and where possible provide enhancement. It is noted that the form states that there are no trees on the site however, a tree survey has been submitted with the application which identifies the trees on site and advises that 6 trees and a group of goat willow and part of the hedgerow on the boundary of the site will need to be removed to accommodate the development. The tree survey has identified that these trees are C category trees of minor value. The submitted landscape plan proposes the planting of a hedgerow along the eastern, western and southern boundaries, with additional hedgerow planting between the plots. In addition, 7 rowan and birch trees will be provided along with a number of fruit trees. The borough arborist has not objected to the proposal provided the replacement planting is secured.</p>

5.33	<p>The plans also indicate that a bird and bat boxes will be provided within the development.</p>
5.34	<p>The Council's Ecologist has confirmed that she is satisfied with the ecology surveys submitted and has raised no objections to the proposal subject to the mitigation measures identified within the submitted preliminary ecological assessment (PEA). I propose a condition to ensure the mitigation measures and the landscaping scheme are provided</p>
5.35	<p><u>Landownership</u></p>
5.36	<p>The agent for the application has confirmed that all land within the redline boundary falls within the ownership/control of the applicant. Should this not be the case then this would be civil matter between the relevant parties. Should the application be approved I would add an informative advice note to this effect.</p>
5.37	<p><u>Other matters</u></p>
5.38	<p>I note that one of the objectors alleges that approval of the application would constitute a breach of human rights, referring specifically to a person's right to the peaceful enjoyment of all their possession which includes their home and other land</p>
5.39	<p>Concerns have been raised that the development does not allow access for residents to maintain their rear boundaries. This would be a civil matter between the two parties. Similarly, loss of value to the objector's house is not a material planning consideration.</p>
5.40	<p>It is accepted that there may be disruption during the construction of the dwellings in the short term but this is not a justifiable reason for refusal. I propose a condition requiring the submission of a construction management plan to minimise the impact of such disturbance. I am satisfied that in assessing the merits of this application that due consideration has been given to material planning consideration including the relevant Local Development Plan policies and those matters covered by other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and the Human Rights Act.</p>

## 6. Legislative Obligations

- 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):

### Conclusion

The proposed residential development is considered to be acceptable in land use terms and would not have an unacceptable impact upon the character and appearance of the surrounding area nor have an adverse impact upon the neighbouring amenity of highway network.

It is considered that the proposal has overcome the previous reasons for refusal, is acceptable subject to conditions and complies with relevant policies contained within the LDP.

Accordingly, my recommendation is that planning permission be **GRANTED** subject to the following conditions:

- 1 Standard time condition
- 2 The development shall be completed in full accordance with the following approved plans and documents
  - Proposed site layout Drawing No 1425/PLN01 Rev B dated 20/9/21 November 2019
  - Proposed site landscaping layout Drawing No 1425/PLN/002 dated 20/08/2021
  - Proposed off site highway layout Rev A dated 18/01/22
  - Proposed house type 1 plot 1 floor plans 1425(2)PLN/005 dated 20/8/21

- Proposed house type 1 plot 1 elevations 1425(2)PLN/006 dated 20/8/21
- Proposed house type 1 plot 1 floor plans 1425(2)PLN/007 dated 20/8/21
- Proposed house type 1 plot 1 elevations 1425(2)PLN/008 dated 20/8/21
- Proposed house type 1 plot 1 floor plans 1425(2)PLN/009 dated 20/8/21
- Proposed house type 1 plot 1 elevations 1425(2)PLN/0010 dated 20/8/21
- Proposed site highway and drainage layout Drawing No 1425/PLN/03 dated 20/08/2021
- Preliminary Ecological Assessment and Reptile Survey (Ecological Services Ltd) dated 17th July 2020
- Existing site layout Drawing No 1425/S/01 Revision B received 26<sup>th</sup> November 2019
- Environmental Noise Assessment 4623/ENS1(Hunter Acoustics) received 29<sup>th</sup> October 2020

unless otherwise specified or required by conditions listed below.

Reason: To clearly define the scope of this permission.

- 3 No development shall commence on site until a Construction Method Statement has been submitted to and approved in writing by The Local Planning Authority. The Statement shall provide details of for:
- hours of working;
  - the parking of vehicles of site operatives and visitors;
  - delivery of materials;
  - wheel washing facilities;
  - storage of plant and materials used during construction;
  - the erection and maintenance of security hoarding;
  - measures to control the emissions of dust and dirt during construction;
  - a scheme for the recycling/disposing of waste resulting from the construction works; and
  - the siting and details of any construction compound; Such details and measures as contained in a Statement that is approved in writing by the Local Planning Authority shall be adhered to throughout the construction period.



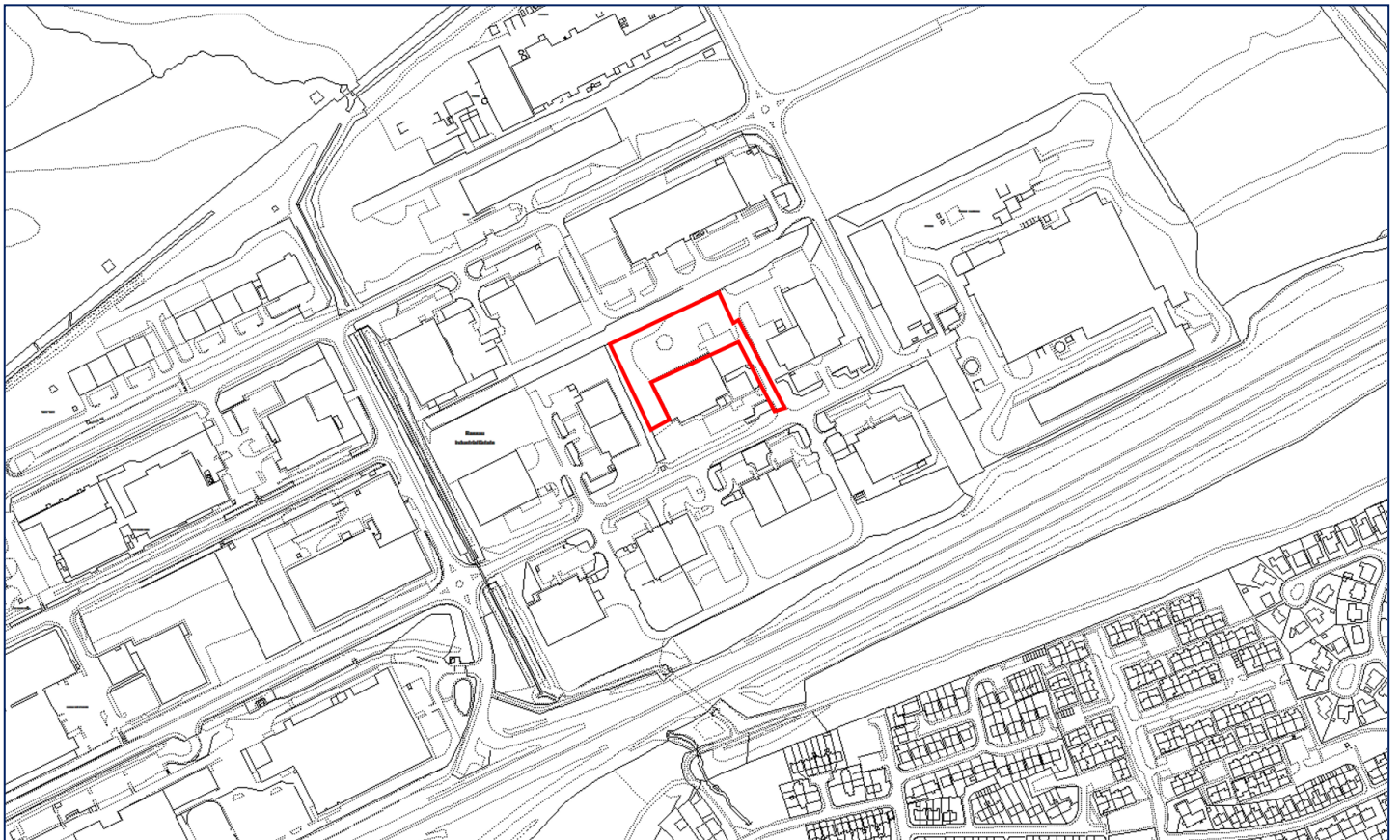
	<p>Reason: To safeguard local amenity interests and to ensure that the impacts of the construction phase of the development are appropriately and adequately addressed.</p> <p>4 Notwithstanding the details on the approved plans the surface water drainage is not hereby approved.</p> <p>Reason: To define the scope of this permission</p> <p>5 The proposed off site highway improvement works are to be fully completed prior to the occupation of the dwellings hereby approved.</p> <p>Reason: In the interests of highway safety</p> <p>6 No development shall take place until a slope stability assessment has been carried out in accordance with a methodology which must first be submitted to and approved in writing by the Local Planning Authority. The results of such an assessment shall be submitted to the Local Planning Authority before works commence on site. The development shall not be brought into use until all measures identified as necessary are implemented and the Local Planning 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.</p> <p>Reason: The Local Planning Authority is aware that the site may be affected by land instability and considers that this should be addressed prior to development</p> <p>7 Notwithstanding the details on the approved plans, no development shall commence on site until details are submitted to and approved in writing by the Local Planning Authority of a scheme for the comprehensive and integrated drainage of the site showing how foul water will be dealt with. The dwellings hereby approved shall not be occupied until all drainage works relating to that property and any connection to the wider drainage network are completed in full accordance with the approved plans.</p> <p>Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing</p>
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	<p>residents and ensure no pollution of or detriment to the environment.</p>
8	<p>Notwithstanding the details on the approved plans a detailed planting plan and specification for the hedgerow on the eastern boundary of the site shall be submitted for the approval of the Local Planning Authority prior to the laying of the first slab. The development shall only proceed in accordance with the approved details, shall be implemented prior to the occupation of the dwellings hereby approved and maintained as such thereafter.</p> <p>Reason In the interest of residential amenity.</p>
9	<p>The recommendations and mitigation measures identifies at para 5.in the submitted Preliminary Ecological Assessment (Ecological Services Ltd) shall be implemented in full.</p> <p>Reason: In the interest of biodiversity.</p>
10	<p>The proposed off site highway improvement works are to be fully completed prior to the occupation of the dwellings hereby approved.</p> <p>Reason: In the interests of highway safety</p>
11	<p>The parking areas allocated for each dwelling and the private driveway are to be fully constructed and surfaced prior to occupation of each respective dwelling and retained for their designated purpose in perpetuity.</p> <p>Reason: To ensure the parking needs of the development are adequately met and to safeguard highway interests</p>
12	<p>The new vehicle turning facility is to be fully constructed prior to occupation of the dwellings.</p> <p>Reason: In the interests of highway safety</p>
13	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking or re-enacting that Order with or without modification), no enlargements,</p>

	<p>improvements or other alterations to the dwelling shall be constructed other than those expressly authorised by this permission.</p> <p>Reason: In view of the restricted nature of the site and the need to retain effective planning control of the site in the interest of visual and residential amenity considerations.</p> <p>14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking or re-enacting that Order with or without modification), no garages or other outbuildings shall be erected other than those expressly authorised by this permission.</p> <p>Reason: In view of the restricted nature of the site and the need to retain effective planning control of the site in the interests of amenity</p> <p><u>Informative advice</u></p> <ol style="list-style-type: none"> <li>1. The applicant is advised that the application has been determined on the basis of the ownership certificate submitted.</li> <li>2. The applicant/developer should note that the development hereby approved also requires SuDS approval before work commence. Further guidance can be found at <a href="https://www.blaenau-gwent.gov.uk/en/resident/planning/how-to-apply-for-planning-permission/permission-for-drainage/">https://www.blaenau-gwent.gov.uk/en/resident/planning/how-to-apply-for-planning-permission/permission-for-drainage/</a> On such basis any surface water drainage details submitted as part of your application have not been considered. Should it be necessary to amend your development to meet the requirements of the SAB (SuDS Approval Body) you should seek further advice from the Local Planning Authority.</li> </ol>
<b>8. Risk Implications</b>	
8.1	<b>None</b>

## Planning Report

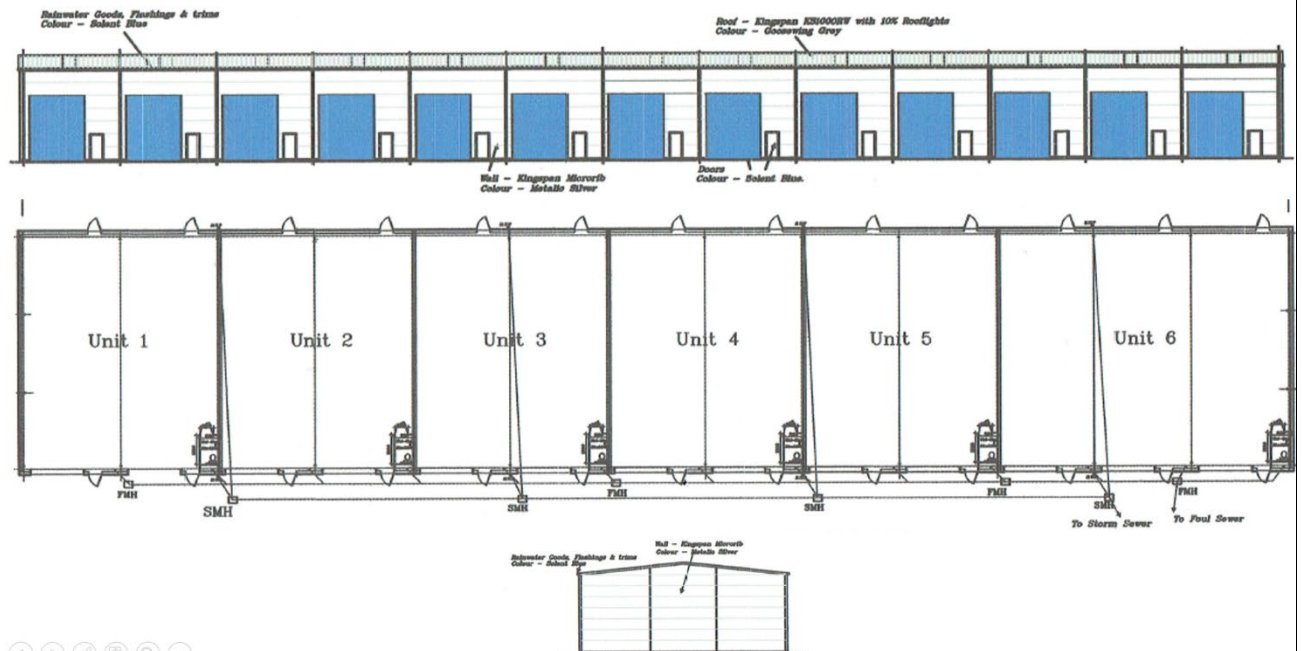
<b>Application No:</b> C/2022/0100	<b>App Type:</b> Full
<b>Applicant:</b> Starburst UK Limited C/O DPP 11-13 Penhill Road Cardiff CF11 9UP	<b>Agent:</b> DPP Mr Thomas Quille 11-13 Penhill Road Pontcana Cardiff CF11 9UP
<b>Site Address:</b> Land north of Unit 33, Rassau Industrial Estate, Rassau, Ebbw Vale, NP23 5SD	
<b>Development:</b> Erection of building for B1/B2/B8 use, to provide six units, together with associated parking, access and cycle store	
<b>Case Officer:</b>	Helen Hinton



## 1. Background, Development and Site Context

1.1 Planning permission is sought for the construction of a steel portal frame building, to provide 6 commercial units to be used for B1 (Business) B2 (General Industrial or B8 (Storage or Distribution) use, together with associated parking, access and cycle store on land to the north (rear) of Unit 33, Rassau Industrial Estate, Rassau, Ebbw Vale.

1.2 The proposed building would measure 96.5m wide, 18.7m deep with a pitched roof with a maximum height of 8.25m falling to 6.9m at eaves level. Externally the building would be finished with metallic silver coloured Kingspan Microrib cladding on the front and side elevations, with goose wing grey coloured insulated sheets on the roof and rear elevation. Solent blue coloured pedestrian access and roller shutter loading doors would be installed in the front elevation, with separate, secure doorways will provide access to the rear.



1.3 As specified above, the building would be positioned to the north (rear) of unit 33, with access from the main industrial estate through road, gained via the existing driveway which is shared by unit 33 and unit 34 to the north-east. At total of 25 parking spaces would be provided within the site. A cycle store would be provided to the south-east. The parking and delivery spaces for unit 33, which are located to the south (front) and east (side) of that building would be unaffected.

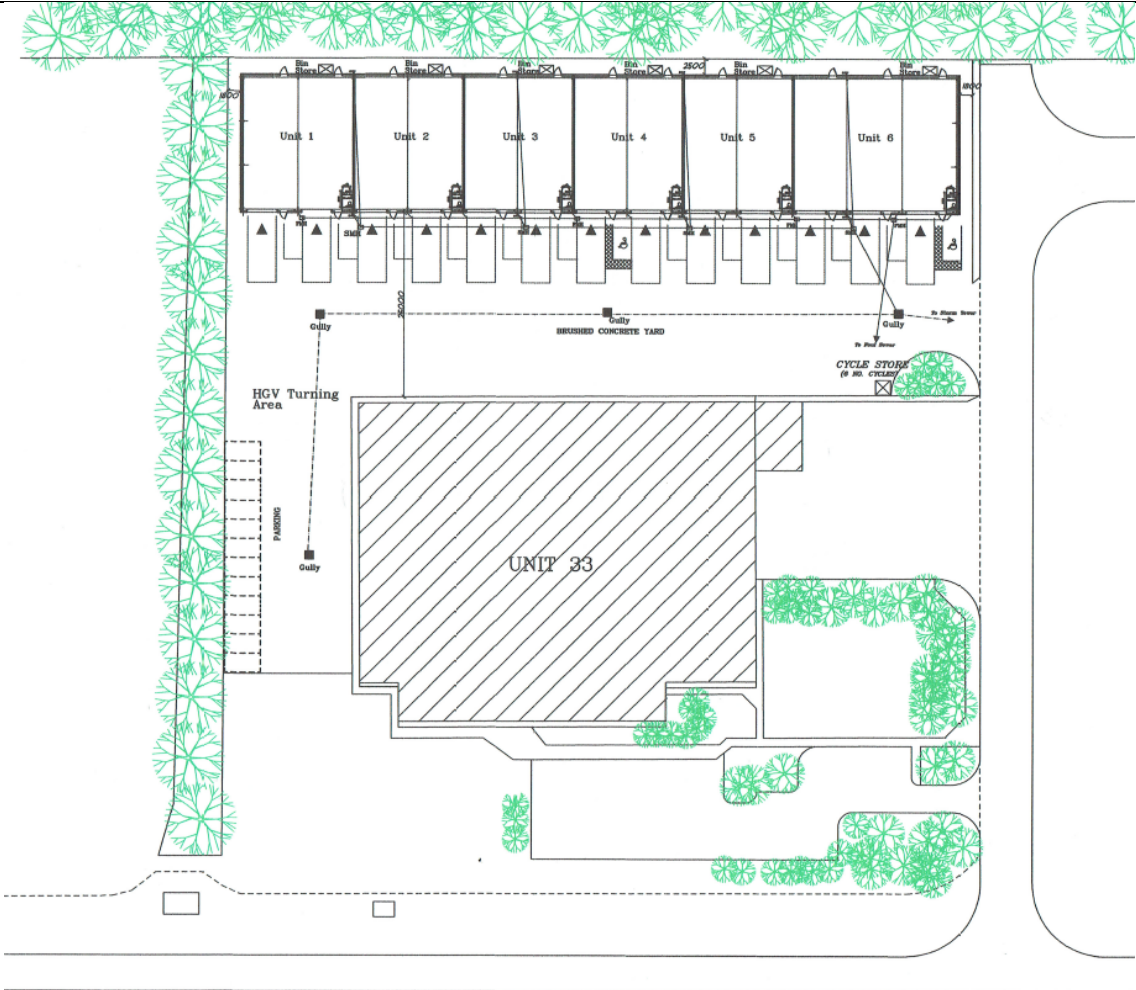


Figure 2- Site layout

1.4 The application site is a roughly rectangular shaped parcel of land, measuring approximately 0.55 hectare in area, immediately adjacent to the western and northern elevations of Unit 33. At the time of inspection, the area contained areas of gravel hardstanding, grassland and scrub with a shelter belt of trees and mature landscaping along the northern boundary that separates the site from units 43 and 44 to the north, which is set at a slightly higher level than the application site.



- 1.5 In terms of context, the application site is located centrally within the eastern part of the industrial estate and is surrounded on all sides by other industrial and/ or commercial buildings with interspersed sections of mature landscaping. To the south of site, beyond several major commercial buildings, lies the A465 (Heads of the Valleys Road).

1.6	In addition to the drawing pack the application is supported by a Design and Access Statement (DAS) and Energy Statement. As the application proposes the provision of a building with a floor area in excess of 1,000 square metres, in compliance with the definition given in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, the application is deemed to be a major development. The applicant has therefore undertaken a pre-application consultation (PAC) prior to the submission of the planning application with the summary report submitted for consideration.
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## 2. Site History

	Ref No	Details	Decision
2.1	7601	Change of use from general industrial to special industrial group A class B3 and associated chimney stack	Approved 08/02/89
2.2	8908	Sign	Approved 19/12/90
2.3	96/0055	Erection of steel framed industrial building for storage purposes & alteration of access to service yard.	Approved 15/04/96

## 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 are required.
3.3	<u>Service Manager Infrastructure:</u>
3.4	Highways: The Team Manager – Built Infrastructure has no objection subject to conditions requiring 10% of the proposed parking spaces being allocated for ultra-low emission vehicles (ULEV) with associated charging infrastructure and all service/turning areas, cycle and car parking areas being fully constructed prior to occupation of the units.
3.5	Drainage: A separate consent for surface water drainage will be required from the Sustainable Drainage Systems (SuDS) Approval Body (SAB).



3.6	<p><u>Service Manager Public Protection:</u> The Specialist Environmental Health Officers have raised no objection subject to conditions relating to unexpected land stability or contamination issues that may arise during the course of development.</p>
3.7	<p><u>Head of Estates and Strategic Asset Management:</u> Application supported. There is need and demand for units of this type within Authority.</p>
3.8	<p><b><u>External Consultation Responses</u></b></p>
3.9	<p><u>Welsh Water:</u> No objection. A water supply can be made available for the development. Drainage conditions recommended.</p>
3.10	<p><u>Western Power and Wales and West Utilities:</u> Advice provided regarding the approximate position of apparatus in the vicinity of the site.</p>
3.11	<p><u>National Grid:</u> No assets affected.</p>
3.12	<p><b><u>Public Consultation:</u></b></p> <ul style="list-style-type: none"> <li>• 10 letters to nearby premises</li> <li>• site notice</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> </ul>
3.13	<p><u>Response:</u> No objections or representations have been received.</p>
<p><b>4. Planning Policy</b></p>	
4.1	<p><u>Team Manager Development Plans:</u></p> <p>Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was</p>

	<p>adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.</p> <p><u>Local Development Plan (LDP) Policies:</u></p> <ul style="list-style-type: none"> <li>• SP1 Northern Strategy Area – Sustainable Growth and Regeneration</li> <li>• SP8 Sustainable Economic Growth</li> <li>• DM1 New Development</li> <li>• DM2 Design and Placemaking</li> <li>• DM4 Low and Zero Carbon Energy</li> <li>• DM10 Use Class Restrictions – Employment</li> <li>• EMP2 Employment Area Protection</li> <li>• SB1 Settlement Boundaries</li> </ul> <p><u>Supplementary Planning Guidance:</u></p> <ul style="list-style-type: none"> <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>
<p><b>5. Planning Assessment</b></p>	
<p>5.1</p>	<p><u>Principle of Development</u></p>
<p>5.2</p>	<p>Future Wales - the National Plan 2040 was published on the 24th February, and therefore is relevant to this application as it now forms part of the Development Plan. Policies 1 and 33 support sustainable growth in all parts of Wales with Cardiff, Newport and the Valleys identified as one of three National Growth Areas. Opportunities and growth in strategic economic and housing growth; essential services and facilities; advanced manufacturing; transport and digital infrastructure will be supported. Policy 2 seeks to support a rich mix of residential, commercial and community uses within close proximity to each, to create activity and sustainable development. Being mindful of the nature of the proposal and its location, the application is considered compliant with these policies.</p>
<p>5.3</p>	<p>Subsection 5.4 of Planning Policy Wales, (ed 11 February 2021), advocates the allocation of land for economic development purposes in order to support the growth in output and employment within Wales. Paragraph 5.4.4 specifies that wherever possible, planning authorities are encouraged to support developments which generate economic prosperity and regeneration with</p>

	<p>sites identified for employment use in a development plan protected from inappropriate development.</p>
5.4	<p>With regards to the Local Development Plan, the application site is located within the settlement boundary (Policy SB1) and forms part of the wider Rassau Industrial Estate which is designated as a primary site in the employment hierarchy and protected as an employment area (Policy EMP2.2).</p>
5.5	<p>Policy DM10 - Use Class Restrictions, seeks to protect existing employment designations from non-employment uses, with criterion 3a specifying that proposals seeking to provide B1, B2 and B8 uses in such locations will be supported.</p>
5.6	<p>Given the position of the site within the designated industrial estate, the B class uses proposed and confirmation from the Estates and Strategic Asset Management Teams that such unit types and sizes are in high demand, the principle of development is considered acceptable, subject to the application satisfying a number of material considerations considered below.</p>
5.7	<p><u>Layout, Scale and Appearance</u></p>
5.8	<p>Although designed to be used independently from Unit 33, the building's design and proportions, with multiple pedestrian access and roller shutter loading doors in the southern elevation; simplistic, regular and utilitarian form and configuration; shared access and positioning to the rear of Unit 33, would make the development appear as a warehouse or vehicle loading unit ancillary to the buildings to the south.</p>
5.9	<p>In terms of design, it is noted that the applicant has sought to future proof the proposal by providing vehicle access and pedestrian doors into each bay. This would facilitate the building being subdivided to provide up to 13 smaller units should market demand present a need for this. Whilst the applicant has requested flexibility to allow such subdivision as part of this application, the number of units to be provided (6) is limited by the description of development. Further subdivision/ intensified use of the premise would require a new grant of planning permission with additional consideration needed in relation to the capacity of the highway and access to accommodate additional traffic movements, turning facilities and parking provision.</p>
5.10	<p>Although the building is wide and concerns are raised with regards to the over proliferation of openings in the southern elevation, on balance, it is considered that the buildings position, well back from the main thoroughfare of the estate and the screening provided by the larger more visually dominant buildings to</p>

	<p>the south and mature landscaping to the north would prevent it from being a visually prominent feature that would have a detrimental impact on the visual amenity or overall street scene.</p>
5.11	<p>Being mindful of the buildings relative modest height, it is considered that the structure would appear as subservient, ancillary development and would not have such a detrimental impact on the character and appearance of the area to warrant refusal of the application. It is considered that the colour of the external materials proposed with both horizontal and vertical delineations in the cladding and roller shutter doors help break up the visual mass of the buildings and would be in keeping with the overall colour and material palette of this part of the estate.</p>
5.12	<p>Although concerns remain with regards to the design, it is considered that the site is large enough to accommodate the development and all necessary infrastructure, whilst the scale and external finish of the building would be in keeping with the overall character and appearance of the wider estate. It is considered that the design and layout has due regard to reducing opportunities for crime and making provision for people with special access requirements with level thresholds and accessible internal facilities. As such, the proposal 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>
5.13	<p><u>Sustainable Design</u></p>
5.14	<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>
5.15	<p>Following discussion with the Agent, it has been confirmed that the development seeks to attain a BREEAM 'Very Good or 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 pedestrian movement and sustainable drainage.</p>
5.16	<p>Whilst the applicant has considered the potential for a range of low and zero carbon technologies that could be incorporated into the design of the building, they have chosen to proceed with a fabric first approach with minimal renewable technology being required to satisfy the requirements of Part L and</p>

	<p>BREEAM. 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. The development will also be required to provide ULEV charging units as requested by the Councils Highways Department.</p>
5.17	<p>Based on the above, it is considered that the proposal will enable the beneficial use of under-utilised land within the urban area helping to reduce pressure on green field sites, reduce urban sprawl and promote a more sustainable pattern of development. It is considered that opportunities have been taken to reduce energy demand and consumption and incorporate low carbon technologies into the design of the proposal. The application is therefore considered compliant with the requirements Policy DM4.</p>
5.18	<p><u>Amenity</u></p>
5.19	<p>Being mindful of the application site’s location within the established industrial estate in conjunction with the policy allocation, the use of the premise for B class use is considered compatible with the area. It is noted that there are no sensitive uses within 300m of the site. Following consultation, the Council’s Specialist Environmental Health Officers have raised no objections to the proposal.</p> <p>Given the scale of the units proposed, their likely occupation by small scale operators/ manufactures and the screening provided by the existing buildings and landscaping, it is considered that the development would not generate a level of noise or disturbance, overlooking, overshadowing or overbearing impact, detrimental to the amenity of those closest to the site. Accordingly, the proposal meets the requirements of Policy DM1 in respect of amenity related matters.</p>
5.20	<p><u>Highways and Parking</u></p>
5.21	<p>The application site is well located in terms of both the local and strategic highway network with the internal estate roads providing direct access onto the A465 (Heads of the Valley Road).</p>
5.22	<p>The proposed development would be accessed via an existing and shared, 6m wide driveway, leading from one of the estate roads. Pedestrian access would be afforded via new pathways into the site, extending from the internal estate road. Although the existing driveway already serves units 33 and 34, the carriageway is considered to be capable of accommodating the increased traffic generated by the development with the junction benefitting from good sight lines in both directions.</p>



- 5.23 Internal circulation would be via a 15m wide forecourt and carriageway with space provided to the south-west of the building for the turning of HGV vehicles. See figure 2 above.
- 5.24 Direct vehicle access would be provided to the front of each unit, via the roller-shuttered entrances and as specified above, at least 25 parking spaces would be provided within the site. A cycle store for up to 6 bikes would be provided to the south-east. The parking, delivery and turning spaces for unit 33, would be unaffected by the proposal. At this time, none of the car parking spaces are indicated as easy access or ULEV charging spaces.
- 5.25 The Team Manager – Built Infrastructure has raised no objection to the proposed development, subject to conditions requiring 10% of the proposed parking spaces being allocated for ultra-low emission vehicles with associated charging infrastructure and all service/turning areas, cycle and car parking areas being fully constructed prior to occupation of the units. It is considered that the site is capable of accommodating the enlarged spaces and charging infrastructure and the conditions requested are necessary and reasonable in the interests of sustainability and the highway safety of the site. Subject to the imposition of the conditions, the application is considered compliant with LDP Policy DM1.

5.26	<u>Ecology and Landscaping</u>
5.27	Although the application constitutes major development, given the brownfield nature of the site and its location within the active industrial estate, no ecological appraisals have been submitted or sought as part of the application. Although the proposal would remove areas of scrub within the main section of the site, the layout plan details the retention of trees and mature landscaping to the north and west of the proposed building.
5.28	In line with Welsh Government guidance, each application for planning permission must provide ecological mitigation and enhancement. Whilst not detailed on the plans, it is considered that sufficient and appropriate mitigation could be secured by condition. This could take the form of enhanced landscaping and/ or the provision of bat and bird boxes in appropriate locations on the building. Furthermore, as part of the SAB process the developer has a duty to provide betterment for biodiversity, ecology and amenity benefit as part of the surface water management techniques.
5.29	Subject to the imposition of such conditions, it is considered that the proposal could achieve a suitable visual setting and not have an unacceptable impact on the ecological interests of the site or surrounding area, in compliance with the relevant requirements of LDP Policies SP10, DM1 DM2 and DM14.
5.30	<u>Drainage</u>
5.31	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. Following consultation, Welsh Water have advised that a water supply can be made available for the proposal and have recommended a condition requiring the submission of a drainage strategy.
5.32	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.
5.33	Although details of the surface water drainage solutions, have not been submitted as part of the planning application, such matters are reviewed and determined by Sustainable Drainage Systems (SuDS) Approval Body. The proposed development's surface water drainage scheme will therefore be

5.34	<p>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.</p> <p><u>Ground Stability and Contamination</u></p>
5.35	<p>The application site is located within a Low Risk Area for coal mining. Following consultation, the Council's Specialist Environmental Health Officer has raised no objection to the proposed development subject to a condition relating to unexpected land stability or contamination issues that may arise during the course of development.</p>
5.36	<p>On the basis of the consultation responses received, it is considered that subject to any 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>
<b>6. Legislative Obligations</b>	
6.1	<p>The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.</p>
6.2	<p>The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.</p>
<b>7. Conclusion and Recommendation</b>	
7.1	<p><u>Conclusion</u></p>
7.2	<p>In summary, the development of units to enhance economic development, business growth and employment in the area is considered to be compliant with National Policy with the use of the site for business (b1) general industrial (B2) or distribution or storage (B8) being compliant with allocations and policies of the Local Development Plan.</p>



7.3	Given the context of the site, it is considered that the use, position, building design and external materials proposed would be compatible with the estate and would not have a detrimental impact on the amenity, character or appearance of the site.
7.4	In terms of highway and parking matters, it is considered that sufficient provision and space would be provided to meet the needs of the proposed employment development.
7.5	<p>Subject to conditions to secure EV charging spaces and infrastructure, any necessary land contamination and stability remediation, a drainage strategy and details of ecological mitigation and enhancement, the application is considered to be compliant with the relevant policies of the Blaenau Gwent Local Development and it is recommended that planning permission be <b><u>GRANTED</u></b> subject to the following condition(s):</p> <ol style="list-style-type: none"><li data-bbox="288 891 1540 969">1. The development shall begin no 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.</li><li data-bbox="288 1149 1540 1574">2. The development shall be completed in full accordance with the following approved plans and documents: 619062-4A - site location plan received 04/04/2022; 619062-2A - proposed site layout received 04/04/2022; 619062-1A - 29032022 - elevations, floor, roof &amp; section received 04/04/2022; 619062-3 - cycle &amp; bin stores received 04/04/2022; Design and Access Statement received 04/04/2022; and Energy Statement received 31/05/2022 unless otherwise specified or required by conditions 3-9 listed below.  Reason: To clearly define the scope of this permission.</li><li data-bbox="288 1709 1540 1787">3. The development hereby approved shall be limited to the provision of six units to be used for B1, B2 or B8 purposes only.  Reason: To clearly define the extent of the permission.</li><li data-bbox="288 1921 1540 2038">4. Notwithstanding the details of the approved plans, prior to the first beneficial use of the building, a minimum of 10% of the proposed parking spaces are to be allocated for Ultra Low Emission Vehicles (ULEV), with</li></ol>

associated charging infrastructure incorporated. Details of the position, layout and charging infrastructure shall be submitted to approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be maintained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sufficient parking and charging facilities are provided in the interests of sustainability and the highway safety and free flow of traffic.

5. The proposed service/ turning areas, cycle and car parking are to be fully constructed prior to the first beneficial occupation of the units and are to be fully retained there-after unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and free flow of traffic.

6. If, during the course of development, any unexpected land instability issues or contamination is found 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 development shall only proceed in accordance with the approved details and shall be maintained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

7. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

8. Prior to the first beneficial occupation of the building, details of a scheme of landscaping and ecological mitigation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include:-

- indications of all existing trees (including spread and species) and hedgerows on the land clearly identifying those to be lost or retained;
- measures for the protection of retained trees or hedges throughout the course of development;
- details of ground preparation, planting plans, number and details of species;
- the number, type and location of at least 2 bat and 2 bird boxes to be installed;
- maintenance details for a minimum period of 5 years; and
- a phased timescale of implementation

Reason: To ensure submission of an appropriate landscaping and ecological mitigation and enhancement scheme, to secure a development that makes a positive contribution to the landscape, visual amenities of the area and the ecological value of the site.

9. 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, 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 and maintenance of an appropriate landscaping scheme.

7.6

Advisory Notes:

1. As of 7th January 2019, all construction work in Wales with drainage implications, of 100m<sup>2</sup> or more, is now required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water. The developer is advised to contact the Councils SuDS Approving Body to determine whether the works hereby approved require consent. Further information is available via:

<https://www.blaenaugwent.gov.uk/en/resident/drainage-flooding/permission-for-drainage/>

**8. Risk Implications**

8.1	No risks identified
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