

<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>19<sup>th</sup> December 2022</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>12<sup>th</sup> January 2023</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/2022/0152	Vivian Street, Abertillery, NP13 2LE
C/2022/0270	Unit 2, The Walk, Ebbw Vale, NP23 6AY
C/2022/0182	Festival Park Shopping Centre, Victoria, Ebbw Vale, NP23 8FP
C/2022/0123	Land at Cemetery Road, Ebbw Vale, NP23 6YQ
C/2022/0301	Springfield Cottage, Queen Victoria Street, Tredegar, NP22 3QA
<b>3. Recommendation/s for Consideration</b>	
Please refer to individual reports	

## Planning Report

<b>Application No:</b> C/2022/0152	<b>App Type:</b> Full
<b>Applicant:</b> Mr Rod Parker Gilfach Wen Farm Six Bells Abertillery	<b>Agent:</b> Arcas Design Mr Gareth Francombe Pwll-y-Domen Farm Pant y Gasseg Pntypool Torfaen NP4 6TY
<b>Site Address:</b>	
Vivian Street Builders Merchants VIVIAN STREET ABERTILLERY NP13 2LE	
<b>Development:</b>	
Demolition of existing workshop and change of use of existing builder's merchants for the construction of 2no. 2 bed detached dwellings	
<b>Case Officer:</b>	<b><u>Sophie Godfrey</u></b>



Vivian Street

Upper Vivian Street

## 1. Background, Development and Site Context

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|-----|--|
| 1.1 | This application seeks planning permission for the demolition of the existing workshop, change of use of existing builders' merchants and construction of 2no. 2 bed detached dwellings.   |
| 1.2 | The site consists of a disused builders' merchants, with a 3 storey building, single storey building and yard area at Vivian Street, Abertillery. The site is located within the settlement of Abertillery. The immediate surrounding area is predominantly residential in nature, comprising of older terraced properties, with a few newer, semi-detached properties just south of the site. Vivian Street runs to the south and west of the site, Upper Vivian Street to the east and Hill Street to the north. |
| 1.3 |  |



1.4 Figure 1.1 Existing Site from North Western Elevation (Vivian Street)

1.5

1.6



Figure 1.2 Existing site from South Eastern Elevation (Upper Vivian Street)

The proposed dwellings would face south west towards the existing dwellings along Vivian Street. The Plot is largely rectangular in shape measuring 36.3 metres in width and a maximum of 7.45 metres in depth. A large retaining wall is found to the western and southern boundaries.

The dwelling proposed to the northern end of the site would be a 2 storey, double fronted property measuring 11.4 metres in width, 5.5 metres in depth, 5.2 metres to the eaves and 7.1 metres to the ridge. The dwelling to the southern end would be 1.5 storeys, double fronted and would measure 11 metres in width, 5.6 metres in depth, 4.1 metres to the eaves and 6.1 metres to the ridge. The proposed floor plans indicate that both properties would comprise of an open plan living-kitchen and wc to the ground floor with 2 No. bedrooms and bathroom to the first floor.

1.7

1.8

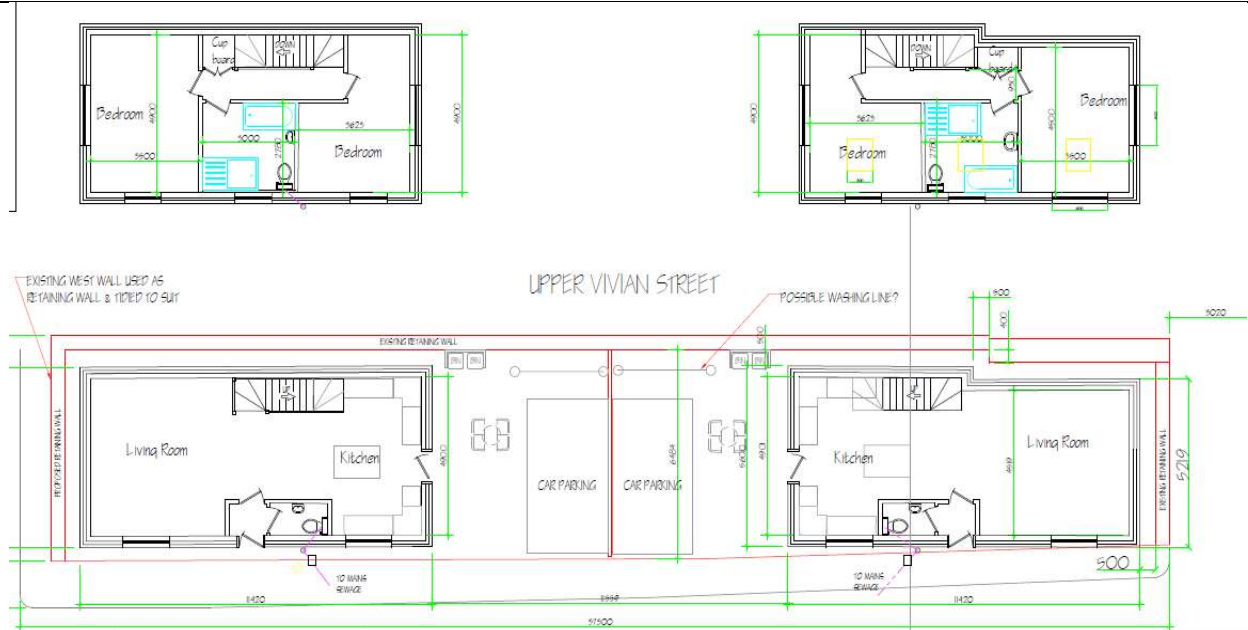
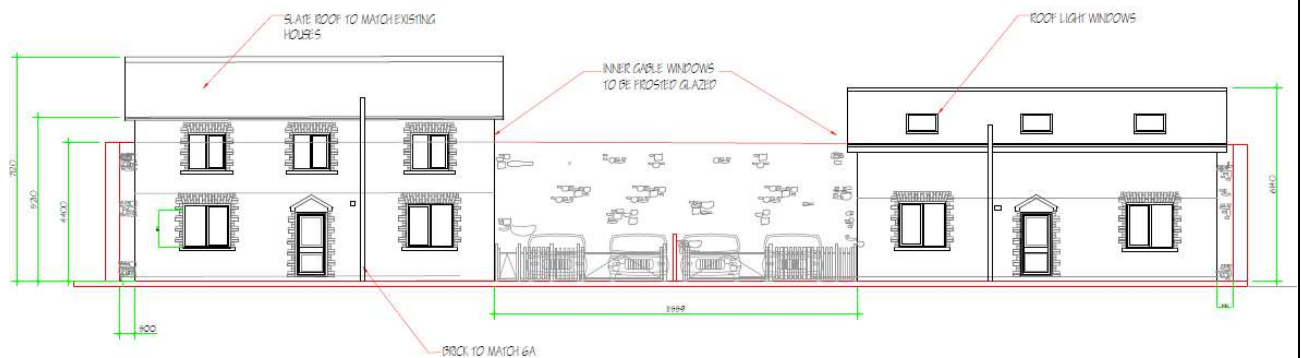


Figure 1.3 Proposed floor plans of each dwelling.

The submitted plans indicate that the roofs would be finished in slate to match the existing dwellings. The application form states external wall finishes would be brick to match the newer houses built opposite the site, with white upvc fenestration. Separate outdoor amenity spaces and 1no. parking spaces is proposed for each of the properties to the centre of the dwellings, with access gained off Vivian Street. The parking area will be finished in either tarmac or paviours. The existing retaining walls will remain to the rear/eastern and southern boundaries. A new retaining wall is proposed to the northern boundary which will be constructed using the existing wall at the site.

Figure 1.4 Proposed Front Elevations



**2. Site History**

	Ref No	Details	Decision
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2.1	7862	Builders Yard/ Supplier	Approved
<b>3. Consultation and Other Relevant Information</b>			
3.1	<b><u>Internal BG Responses</u></b>		
3.2	<p><b><u>Team Leader Building Control:</u></b>  The wall is probably coming to its life expectancy, however building control wouldn't get involved unless it was forming part of a dwelling.  Concerns are raised with regard to the proposed construction being within 500mm of the wall which doesn't allow room for any remedial works.</p>		
3.3	<p><b><u>Service Manager Infrastructure:</u></b></p> <p>Highways:  No objection subject to conditions requiring the construction of the parking spaces, restriction of boundary treatments and details of works to retaining walls</p>		
3.4	<p><b><u>Drainage:</u></b>  The development would need to apply for SuDS approval. I would suggest that the plans provided would not satisfy the SAB requirements.</p>		
3.5	<p><b><u>Ecology:</u></b>  The bat report submitted concludes that the building is negligible potential for roosting bats, given the dilapidated condition of the building, lack of loft space or crevices. However, the rear retaining wall in the yard was found to have low potential for bat roosting.</p> <p>A method statement will be needed prior to work beginning repointing the wall. Timing of demolition will also need to avoid the bird nesting season. Therefore, appropriate mitigation is required.</p> <p>If any bats are encountered during the works, all work must immediately cease and advice sought from a suitably qualified bat licenced ecologist with the possibility of needing to obtain a licence from NRW.</p> <p>The design needs to clearly demonstrate biodiversity enhancement measures that will benefit both bats and birds. Biodiversity enhancement plan required.</p> <p><b><u>Service Manager Public Protection:</u></b>  No objections subject to the following conditions:  - Submission of a construction and environmental management plan (CEMP);  - Restriction of construction hours;</p>		

3.6	<p>-Carrying out of an asbestos condition survey. - Standard land contamination condition; and - Provisions for the charging of electric vehicles.</p> <p>Structures: No objection subject to a condition requiring a structural survey to be undertaken prior to commencement of development.</p>
3.7	<p><b><u>External Consultation Responses</u></b></p>
3.8	<p><u>Welsh Water:</u> No objection. Conditions recommended and advice provided regarding apparatus within the vicinity of the site and need for the development to secure SAB consent.</p>
3.9	<p><u>Western Power:</u> No objection. Apparatus identified within the vicinity.</p>
3.10	<p><u>W&amp;W Utilities:</u> No objection. Apparatus identified within the vicinity</p>
3.11	<p><b><u>Public Consultation:</u></b></p>
3.12	<ul style="list-style-type: none"><li>• 22 letters to nearby houses</li><li>• 2 site notice(s)</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></p> <p>13 letters of objection have been received raising the following concerns:</p> <ul style="list-style-type: none"><li>• Loss of light to existing properties</li><li>• Proposal will only be 20 feet from existing houses</li><li>• Increase in parking demand on the street where parking is already limited.</li><li>• Proposal will reduce the number of on street parking spaces</li><li>• Loss of views</li><li>• Overbearing impact</li><li>• Noise and disturbance from construction of the properties</li></ul>



- The dust from such building works escalating in especially in the summer. Neighbours are not going to be able to enjoy their gardens or hang washing out
- There are children living near this proposed site with severe respiratory issues
- The corner into Vivian Street is a blind spot and putting house on this site would cause a bigger problem
- The council should have bought the site and converted it into parking lots for the residents as the parking is incredibly difficult at the moment.
- Increased levels of overlooking/loss of privacy
- Inadequacy of parking/loading/turning. The site is on a very nasty bend to be backing into any garage or parking space provided would be dangerous
- Increased traffic generation
- The building is full of asbestos, I don't want my children breathing it in
- It will encourage people to double park because of lack of spaces on an already narrow street could block emergency services getting accesses to and from the street.

#### 4. Planning Policy

4.1

##### LDP Policies:

SP2- Southern Strategy Area  
 SP4- Delivering Quality Housing  
 SP7- Climate Change  
 SP10- Protection and Enhancement of the Natural Environment  
 DM1 – New Development  
 DM2 – Design and Placemaking  
 DM14- Biodiversity Protection and Enhancement  
 SB1 – Settlement Boundaries

Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.

##### Supplementary Planning Guidance:

Access, Car Parking and Design Supplementary Planning Guidance  
 Model Design Guide for Wales Residential Development  
 Nature Conservation Planning Guidance

	<p><u>PPW &amp; TANs:</u>          Future Wales: The National Development Plan for Wales 2040 (February 2021)          Planning Policy Wales Edition 11 (February 2021)          Technical advice note (TAN) 5: nature conservation and planning          Technical Advice Note 12: Design</p>
<b>5. Planning Assessment</b>	
5.1	<u>Principle of development</u>
5.2	<p>Future Wales - the National Plan 2040 was published on the 24th February 2021, 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>
5.3	<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>
5.4	<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 demonstrate integral sustainable building design principles to reduce energy demand and improve efficiency.</p>
5.5	<p>Being mindful of the nature of the proposal and its location, the application is considered compliant with these documents and policies.</p>
5.6	<p>The application site lies within an established residential area within the settlement boundary (SB1) as defined by the proposals map of the Blaenau Gwent County Borough Council Local Development plan. In such areas development will normally be permitted subject to compliance with policies in the Plan and other material considerations.</p>

5.7	<p>As noted above, the site currently comprises a disused builder's merchants and workshop on the corner on Vivian Street and Hill Street. Although not currently in operation, there have been no intervening applications for planning permission to develop or change the use of the site. The former use therefore remains extant and could be brought back into active commercial use without further reference to the Council.</p>
5.8	<p>Given the immediate surrounding area predominantly comprises of residential dwellings, with the Abertillery Town Centre boundary found approximately 30 metres to the north of the site, the proposed use of the site for residential purposes is considered compatible with the wider area. The principle of the proposal is therefore considered acceptable, subject to the application satisfying a number of material considerations which are outlined below.</p>
5.9	<p><u>Amenity</u></p>
5.10	<p>The surrounding area is predominantly made up of two storey terraced houses of a similar scale and design. It is acknowledged that the two storey and 1.5 storey detached dwellings would be of a differing design to the existing housing stock. However, it is noted that to the south west of the site there are 2 No. semi-detached dwellings of yellow brick design. The proposed dwellings would be finished in the same brick as these existing properties, therefore the use of brick would not be unfamiliar to the area. The proposed dwellings are proposed to have slate roofs and brick quoins around the windows to match the surrounding properties, which is welcomed.</p>
5.11	<p>Due to the topography of the surrounding area, sloping steeply from east to west, the proposed dwellings would be located at a lower height than the existing dwellings along Upper Vivian Street found to the rear/east of the site. At 7.1 metres to the ridge for the two storey dwelling and 6.1 metres for the 1.5 storey dwelling, the height of the dwellings is considered acceptable, and in keeping with the surrounding area.</p>
5.12	<p>The proposed dwellings would not have a front garden and would be accessed directly off the pavement. At the time of inspection, it was noted that there is no established building line along this section of Vivian Street - the properties to the south are set back approximately 14 metres and the properties opposite are street fronted. As such it is considered that the proposal would not be significantly different in layout to those in the immediate area and the layout is considered acceptable.</p>
5.13	<p>Due to the limited depth of the site, it is considered that shallower, wider properties are the only design that would be feasible on the site.</p>

	<p>Notwithstanding the above, due to the location of the site on a corner plot, with no dwellings immediately to the north and as the dwellings to the south are set back from the highway by approximately 14 metres, the site is considered to be viewed in isolation. On balance, relative to the existing pattern of development, the design is therefore considered to be acceptable and respectful to the form, scale and characteristics of the surrounding area and is therefore compliant with LDP Policies DM1(2)a, b and DM2(a).</p>
5.14	<p>Individual outdoor amenity space is proposed for each of the dwellings in the centre of the site. It is noted that the space is quite limited, however the plans demonstrate that there is sufficient room for an outdoor seating area, bin storage and a washing line, therefore it is considered sufficient amenity space has been provided.</p>
5.15	<p>In considering the impact upon the neighbouring properties, it is acknowledged that the proposal would be in close proximity to the existing dwellings, with a separation distance of 7.8 m to the properties to the front (along Vivian Street) and 6.7m to the rear (along Upper Vivian Street). The comments raised by neighbouring dwellings in relation to loss of light, overbearing impact and loss of privacy are duly noted. There are no windows proposed to the rear elevation of the dwellings facing towards the properties along Upper Vivian Street as such it is considered that there would be no loss of privacy on these properties.</p>
5.16	<p>There are windows proposed to the front elevation of the proposal that would serve and face habitable room opposite, with a separation distance of approximately 7.8m. Whilst it is noted this separation distance is relatively close, it is recognised that this form of layout and separation distance is common along terraced streets such as Vivian Street, and having dwellings with habitable windows facing each other at this proximity is not unusual in locations such as these. Given the context of the site, the proposal is considered acceptable in this instance.</p>
5.17	<p>The existing three storey property at the site has a ridge height of approximately 7.9 metres. Whilst at an increased width, the dwelling towards the northern end of the site has a reduced height of 7.1 metres, it is therefore considered the proposal would be an improvement in terms overbearing impact on the properties at 1a and 2 Vivian Street. In addition, the ridge height of the dwelling towards the southern end of the site is lower, the eaves are the same height as the existing retaining wall to the rear and the roof plane slopes away from the dwellings. Due to the above reasons, it is considered the design of the property helps to reduce the impact on neighbouring properties to the rear.</p>

5.18	<p>On balance, it is acknowledged the proposal would result in an increased level of overbearing, overlooking and loss of light on certain neighbouring properties to the front of the site, above the existing situation. However, as the dwelling towards the northern end is an improvement relative to the existing, the dwelling proposed to the south is at a reduced height to limit its impact and this form of residential layout with reasonably close separation distances is common along terraced streets, on balance it is considered that there would not be such a detrimental impact on neighbouring amenity to warrant refusal of the application on such grounds</p>
5.19	<p>Notwithstanding the above, consideration should be given to the fall-back position of the site. At any point the site could be reopened as a builders' merchants without requiring planning permission. It is considered that the use of the site as a builders' merchants would not be compatible with the predominantly residential use in the immediate surrounding area. The existing lawful use of the site would likely have a greater detrimental impact on neighbouring amenity in terms of noise disruption etc. The proposed residential use is therefore considered more suitable in terms of land use and impact on amenity.</p>
5.20	<p><u>Highway Safety</u></p>
5.21	<p>The Council's Highways Manager has been consulted on the application and confirmed that the planning application complies with the Council's 'Access, Car Parking and Design SPG', and Policy DM 1 (3 a, b, c &amp; d). There are no objections subject to conditions requiring one off street parking space being fully constructed and retained there-after for each dwelling; no gates or boundary treatments across the proposed driveway/forecourt frontage areas being in excess of 1.0 metre in height; and the design and construction details of the proposed works to the retaining walls, that support the adjoining public highways, being submitted for approval.</p>
5.22	<p>I appreciate the concerns raised by local residents with regards to the impact on highway safety, loss of existing parking and increased traffic movements at the application site. However, as outlined above, the Council's Highways Manager has confirmed they have no objections to the proposal and it is in accordance with the relevant LDP policies and SPG. There is considered to be sufficient on-site parking proposed and due to the sustainable location of the site, a reduction in 1no. parking space is justified, therefore on street parking would not be increased. In addition, as previously outlined the site could be reopened as a builders' merchants at any point. On street parking would therefore be reduced to ensure access to the site for customers/ work vehicles, which is considered to result in a greater increase in traffic</p>

	<p>movements and parking in and around the site than the 2no. proposed dwellings. The comments regarding the junction of Vivian Street being a blind spot are noted, however as there is an existing three storey building on this junction, it is not considered the proposal would result in a greater impact above the existing.</p>
5.23	<p>Having taken the above into consideration, subject to conditions suggested by the Highways Manager, I am satisfied that the access, parking and servicing provisions, are acceptable and the development complies with LDP Policy DM 1 (3 a, b, c, d &amp; e).</p>
5.24	<p><u>Retaining Wall</u></p>
5.25	<p>There have been discussions regarding the ownership of the retaining wall that is found to the rear (east) and south of the site. The Council's Estates Department has confirmed that there is no clause within the conveyance that makes the applicant responsible for the wall. Normally this would suggest a party structure but as there is no adjoining owner to share the boundary wall with, it would suggest that the wall would be under the applicant's ownership unless it is a highway retaining wall.</p>
5.26	<p>In response to this, the Council's Structural Engineer has confirmed there are no records to suggest it is a highway wall and in their opinion the wall was built not to support the highway but required to remove the land to create a level plateau to build the workshop and yard, therefore it is under the ownership of the named parties in the conveyance. Given the above, they recommend a condition requiring a structural survey of the retaining wall along the rear boundary of the site is undertaken prior to commencement of development. Building control have confirmed it is probable the wall is coming to the end of its life expectancy, therefore to ensure the structural integrity of the retaining wall, a condition is recommended requiring the submission of a survey.</p>
5.27	<p><u>Ecology</u></p>
5.28	<p>To accompany the application, a 'Potential Roost Assessment 2022, Mitigation and Enhancements' by East Ecology, dated 31/10/2022 has been submitted. The Council's Ecology Officer has been consulted on the application and confirmed that the report concludes that the building has negligible potential for roosting bats, given the dilapidated condition of the building, lack of loft space or crevices. However, the rear retaining wall in the yard was found to have low potential for bat roosting. A method statement will therefore be needed prior to any work commencing on the wall. The timing of demolition will also need to avoid the bird nesting season.</p>

5.29	<p>The Council's Ecologist has also advised that the design needs to demonstrate biodiversity enhancement measures that will benefit both bats and birds. Whilst concerns have been raised that the current designs do not demonstrate any consideration for biodiversity enhancements and as a result could be considered contrary to the Environment Wales Act, PPW11 (2021) and policies SP10 and DM14 of the LDP, it is noted page 12 of the report outlines ecological enhancements will be provided in the form of the installation of a build-in bat box into a gable end of each new dwelling to enhance the bat roosting capacity of the area. These will be a Segovia woodstone build-in bat box or similar model. The boxes will be mounted at least 3m from ground level, away from possible predator perches and facing southeast or southwest ideally. No external lighting will be allowed to spill onto the bat box entrances. The report also confirms a selection of durable bird boxes will be added to the exterior walls of the new dwellings. Models such as the Vivara Pro woodstone House sparrow nest box would be suitable and a minimum of two would be appropriate. Subject to the report being an approved document as part of any grant of planning permission, these enhancements are considered sufficient and acceptable relative to the scale of development.</p>
5.30	<p><u>Other Matters</u></p>
5.31	<p>I appreciate neighbour's concerns in regards to noise and disturbance from the construction of the development. Access to the site and any disruption in terms of construction noise, fumes, dust etc. would be a matter dealt with by Environmental Health. There are however conditions recommended as part of this report, restricting construction hours and requiring the submission of a CEMP prior to commencement of development. A condition has also been applied requiring an asbestos condition survey is undertaken prior to any works commencing.</p>
5.32	<p>The impact on highway safety and parking has already been considered earlier on in the report, and the Council's Highways Manager has confirmed he has no objection to the proposal.</p>
5.33	<p>In response to comments regarding loss of views, this is not a material planning consideration.</p>
<p><b>6. Legislative Obligations</b></p>	
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</p>

6.2	<p>(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> <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>
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## 7. Conclusion and Recommendation

7.1	<p>On balance, it is considered that the provision of 2no dwellings in this location would not have a significantly 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. Relative to the existing built form and extant use of the site, it is considered that the proposal would not have a detrimental impact on the highway safety and free flow of traffic.</p> <p>In light of the above report, the application is considered to accord with LDP Policies DM1(2)a,b,c,d, DM1(3)a,c,d and DM2(a) and it is recommend that planning permission be <b><u>GRANTED</u></b> subject to the following condition(s):</p> <ol style="list-style-type: none"> <li>1. The development shall begin not later than five years from the date of this decision notice.</li> </ol> <p>Reason: To comply with the requirements of Section 91 of The Town and Country Planning Act 1990.</p> <ol style="list-style-type: none"> <li>2. The development shall be completed in full accordance with the following approved plans and documents: <ul style="list-style-type: none"> <li>• Site Location Plan – recorded received 23<sup>rd</sup> May 2022;</li> <li>• Proposed Elevations and Plans – Drawing No. ARC-1322-02 Rev C – recorded received 27<sup>th</sup> May 2022;</li> <li>• Potential Roost Assessment, Mitigation and Enhancements, East Ecology, Revision 1, dated 31/10/2022.</li> </ul> </li> </ol> <p>Reason: To clearly define the scope of this permission.</p> <ol style="list-style-type: none"> <li>3. 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</li> </ol>
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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.

4. Prior to the commencement of any works on site (including demolition) an asbestos condition survey and summary report, to include measures for removal and mitigation shall be carried out, submitted to and approved in writing by the Local Planning Authority. Any asbestos containing products identified are to be removed from the site by specialist contractors (details of which shall be specified within the report) prior to demolition. The works shall only proceed in accordance with the details of the approved report.

Reason: In the interests of health, safety and amenity.

5. No development shall commence on site (including any works of demolition), until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. 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.

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

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

6. No development shall take place until a structural survey, design and construction details of any proposed works to the retaining walls along the boundaries of the site is undertaken and has been submitted to and approved

in writing by the Local Planning Authority. The survey shall be carried out by a suitably qualified engineer. All required remedial works shall be undertaken and completed in full accordance with such details and specifications as may be approved and within a timescale to be agreed in writing by the Local Planning Authority.

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

7. No development, (including land raising and demolition if required) shall be carried out other than between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

8. The 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 dwellings unless otherwise agreed in writing by the Local Planning Authority. A minimum of one off street parking space shall be retained for each dwelling for their designated purpose in perpetuity.

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

9. 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.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking or re-enacting that Order with or without modification), no enlargements, improvements or other alterations to the dwelling shall be constructed other than those expressly authorised by this permission.

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.

11. No gates or boundary treatments across the proposed driveways/front boundary of the site to exceed 1.0 metre in height.

Reason: To ensure adequate vision splays are retained for the driveways.

12. The dwellings hereby approved shall not be occupied until all external finishes are completed in full accordance with the details indicated on the approved plans and retained as such thereafter.

Reason: To safeguard the visual amenities of the area.

13. The ecological/biodiversity enhancements as outlined in 'Potential Roost Assessment, Mitigation and Enhancements, East Ecology, Revision 1, dated 31/10/2022' 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. The applicant is advised to contact the highway authority for permission to complete the necessary dropped kerbs/footway strengthening works to the public highway.

3. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform

with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

4. The applicant is 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.

5. All British bat species are protected under the Conservation of Habitats and Species Regulations 2017 (as amended), known as the 'Habitats Regulations'. Under the Habitats Regulations, it is an offence if you:

- Deliberately capture, injure or kill any wild animal of an European Protected Species,
- Deliberately disturb wild animals of any such species,
- Damage or destroy a breeding site or resting place of such an animal

Timing of demolition will need to avoid the bird nesting season.

If any bats are encountered during the works, all work must immediately cease and advice sought from a suitably qualified bat licenced ecologist with the possibility of needing to obtain a licence from NRW.

6. 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.

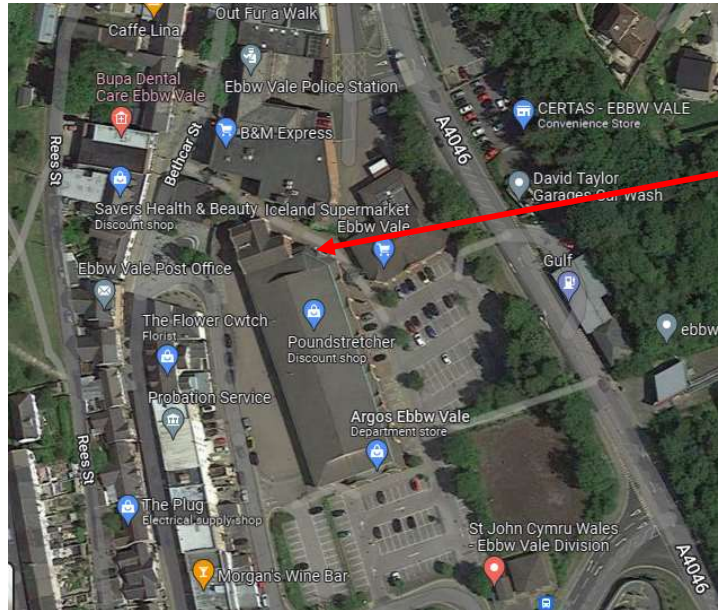
## 8. Risk Implications

8.1 None.

## Planning Report

<b>Application No:</b> C/2022/0270	<b>App Type:</b> Full
<b>Applicant:</b> Dr L Smart Bridge Dental Care Llanover Buildings Victoria Terrace Newbridge NP11 4EX	<b>Agent:</b> Mr Peter Barnes Peter Barnes & Associates Rhys House James Street Ebbw Vale NP23 6JG
<b>Site Address:</b> UNIT 2 THE WALK EBBW VALE EBBW VALE NP23 6AY	
<b>Development:</b> Change of use from retail unit to health care (dental surgery)	
<b>Case Officer:</b>	<b><u>Sophie Godfrey</u></b>





Application site

## 1. Background, Development and Site Context

- 1.1 This application seeks planning permission to change the use of the retail unit (use class A1) to a health care unit/dental surgery (use class D1). External alterations comprise of new entrance doors to the façade, removing the existing recess. There are also 3no. new compressors proposed to the rear/western elevation.
- 1.2 The property is a two storey building which sits between Pound stretcher and The Principality at Unit 2, The Walk, Ebbw Vale. The site is within the Ebbw Vale Town Centre and Primary Retail Area.



Fig. 1.1 Existing Property at Unit 2 The Walk

1.3

The last known use of the ground floor of the property was an A1 use. The property is currently empty and it is thought to have been empty for approximately 2 years. It is proposed to change the use of the property for use as a dental surgery. The proposed ground floor would comprise of a reception and waiting room, consultation room, 8 dental surgery rooms, wc and 2no. LDUs (Local Decontamination Units). There are no internal changes proposed to the first floor which would remain as a kitchen, staff room and wc.

1.4

The application states that 20 full-time jobs will be created as a result of the development.

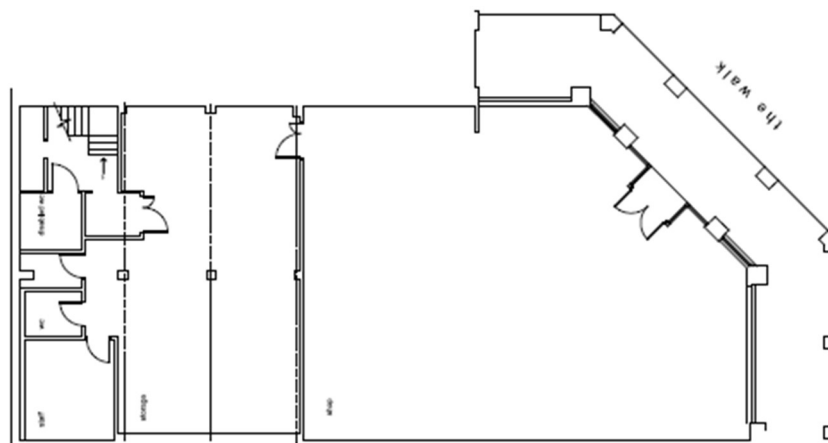


Figure 1.2 Existing Ground Floor Plan

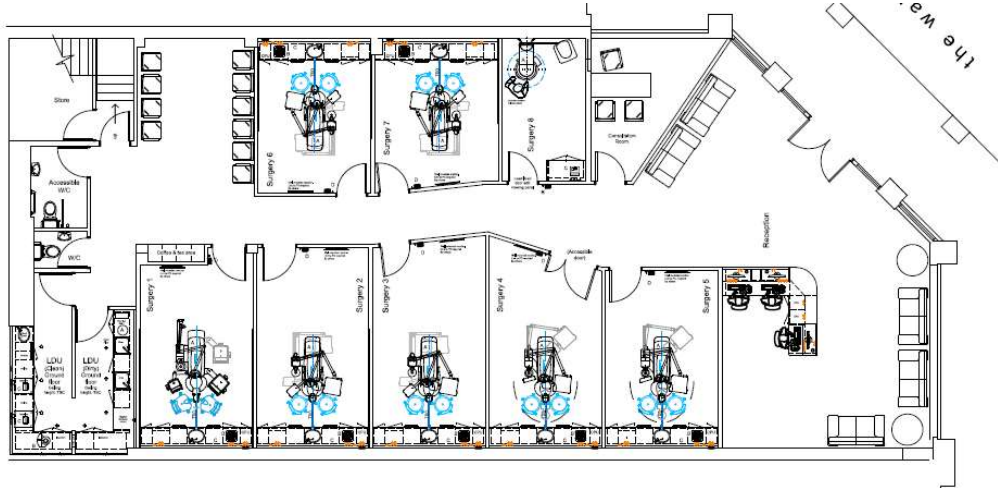


Figure 1.3 Proposed Ground Floor Plan



Figure 1.4 Proposed Front Elevation

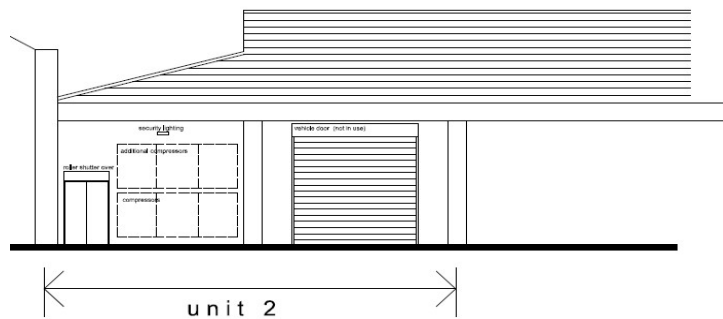


Figure 1.5 Proposed Rear Elevation

1.5



	This application is being presented to committee as it is contrary to Policy DM5. Criterion (a) of this policy restricts changes of use within the primary retail area of district town centres, such as Ebbw Vale, to A1 uses only. Furthermore, criterion (b) advises that proposals for A2, D1 and D2 uses will be encouraged outside the Primary Retail Area.		
<b>2. Site History</b>			
	Ref No	Details	Decision
2.3	96/0334	Development of 14 retail units (totalling approx. 83,285sq ft of retail area including storage) plus service areas, mall & car parking	Approved
2.4	98/0331	Construction of 32,000sq ft (2973sq m) of class A1 retail units & car parking.	Approved
<b>3. Consultation and Other Relevant Information</b>			
3.1	<p><b><u>Internal BG Responses</u></b>  <u>Service Manager Infrastructure:</u>  Highways: No objections.</p>		
3.2	<p><u>Service Manager Public Protection:</u> No objections.</p>		
3.3	<p><b><u>External Consultation Responses</u></b>   <u>Welsh Water:</u>  No objection subject to condition requiring details of amalgam trap (to capture amalgam particles from dental office wastewater) and standard informatives.</p>		
3.4	<p><b><u>Public Consultation:</u></b></p> <ul style="list-style-type: none"> <li>• 5 letters to nearby properties</li> <li>• 1no site 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><u>Response:</u>  No responses were received.</p>		

## 4. Planning Policy

- 4.1 Team Manager Development Plans:
- 4.2 The proposed change of use to D1 is contrary to Policy DM5. However, the percentage of A1 uses in the primary shopping area indicates A1 retailing remains the dominate use and national policy provides an element of flexibility where premises have been vacant for a period of time. Vacancies in the primary shopping area for Ebbw Vale are low, although it is understood this unit has been vacant for approximately two years. It is not known if there has been active marketing of the unit for A1 uses during this time. Due consideration could be given to monitoring evidence as a material planning consideration.
- 4.3 Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.
- 4.4 LDP Policies:
- 4.5 SP3 – The Retail Hierachy and Vitality and Viability of the Town Centre  
 SB1 – Settlement Boundaries  
 DM1 – New Development  
 DM2 – Design and Placemaking  
 DM5 – Principal and District Town Centre
- 4.6 SPGs:  
 Access, Car Parking and Design (March 2014)  
 Shopfronts and Advertisements (Adopted November 2015)
- 4.7 PPW & TANs:  
 Planning Policy Wales Edition 11 (February 2021)  
 Future Wales: The National Development Plan for Wales (February 2021)  
 Technical Advice Note 4: Retail and Commercial Development (November 2016)

## 5. Planning Assessment

5.1	<p>The Blaenau Gwent Local Development Plan indicates that the site lies within the settlement boundary (Policy SB1) within which development is normally permitted subject to policies in the Plan and other material considerations. The property is located within the Town Centre boundary of Ebbw Vale (Policy SP3) and lies within the primary retail area (Policy DM5).</p>
5.2	<p>Future Wales - the National Plan 2040 was published on the 24<sup>th</sup> February, and therefore is relevant to this application as it now forms part of the Development Plan. The Welsh Government has adopted a 'Town Centre First' approach. <b>Policy 6 Town Centre First</b> states that significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. This puts the health and vibrancy of town centres as the starting point of locational decision-making. It also directs facilities and services to where intended users can easily walk, cycle and/or use public transport to access them. It is considered the proposal is in accordance with Policy 6.</p>
5.3	<p>Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the Welsh Government's objectives in respect of retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities (paragraph 4.3.1). Whilst the objective recognises that a complementary mix of uses contributes to the vibrancy of those centres, the important role of retailing (A1 uses) continues to be acknowledged with a recommendation to define primary shopping areas, where appropriate (paragraph 4.3.31). Primary shopping areas are designated to help promote and maintain an effective distribution and balance of uses and activities, and are typically characterised by a high proportion of A1 shopping uses (see paragraphs of Technical Advice Note 4: Retail and Commercial Development (November 2016)).</p>
5.4	<p>Being mindful of the nature of the proposal and its location, the application is considered compliant with the relevant policies of Future Wales and Planning Policy Wales.</p>
5.5	<p>The proposal has been assessed against policies SB1, SP3, DM1, DM2 and DM5 of the adopted Local Development Plan (LDP).</p>

	<u>Proposed Change of use</u>
5.6	The application site is situated within the settlement boundary and therefore the principle of development is normally considered acceptable subject to other material considerations. The site is also situated within the boundary of the Ebbw Vale (District) Town Centre and Primary Retail Area. Policy DM5 'Principal and District Town Centre Management' criterion (a) restricts changes of use within the primary retail area of district town centres, such as Ebbw Vale, to A1 uses only. Furthermore, criterion (b) advises that proposals for A2, D1 and D2 uses will be encouraged outside the Primary Retail Area.
5.7	The proposed change of use from A1 to D1 is therefore contrary to this policy. It is however considered that there are other material considerations which should be taken into account when determining this application.
5.8	<i>PPW paragraph 4.3.36 states that "planning authorities should assess retail and commercial centre performance and the effectiveness of development plan policies by monitoring their health. They should use the strategy in their development plan to manage change and take action where necessary to address this. Where economic decline is impacting on a retail and commercial centre, emphasis on retaining A1 uses in premises either in primary or secondary areas, which have been vacant for a period of time, may undermine a centre's viability and vitality. In such circumstances planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels."</i>
5.9	The Blaenau Gwent Town Centre Survey records the percentage of use classes (including A1 uses) and vacancies in the primary retail area. The 2021-22 survey shows that the percentage of A1 uses in the primary retail area has increased by 1% from 2009 to 2022 to 62%. It is therefore considered that there is not a shortage of A1 uses within the primary retail area, and the change of use of one unit to D1 use would not have a detrimental impact on the vitality or viability of the town centre or primary retail area.
5.10	The survey also shows the vacancy rate for the Ebbw Vale primary shopping area is the lowest (3%) in the borough when compared to the other town

	<p>centres. Whereas vacancy rates within the Ebbw Vale primary shopping area are low, annual Town Centre Surveys and Council Tax Records show this particular unit has been vacant for approximately 2 years, since 2020. Whilst the proposal is not for an A1 use, Members should consider whether it would be more beneficial for the primary retail area to have units that are in use, rather than vacant. Due to its nature, a dental surgery under D1 use is considered an acceptable use class within this town centre location. The proposed use will encourage more footfall to the town centre and primary retail area, which in turn may increase consumer spending and contribute to the vitality and viability of the town centre and primary retail area.</p>
5.11	<p>National policy provides an element of flexibility where premises have been vacant for a period of time and it is considered that town centres increasingly need to diversify their usage in order to maintain footfall. Accordingly, in land use terms whilst the change of use is contrary to Policy DM5, for the reasons outlined above there are material planning considerations to justify deviating from the Policy. It is not considered that this development would undermine the implementation of the Local Development Plan.</p>
5.12	<p><u>Amenity</u></p> <p>In terms of amenity, the nearest residential dwellings are found approximately 22 metres to the rear of the site. There are no additional windows proposed to the rear elevation, as such the use is considered acceptable and there would not be any detrimental impact in terms of overlooking or overbearing impact.</p>
5.13	<p>There are 3no. existing compressors located to the rear of the property. The proposal would involve the installation of 2no. additional compressors, resulting in a total of 5. No specification details have been provided for the compressors. However, given their location to the rear of the site, within the service yard area and adjacent to existing compressors, it is not considered that there would be a detrimental impact on visual amenity. Given the separation distance from residential properties it is also considered unlikely that there would be a detrimental impact on neighbouring amenity in terms of noise pollution. Nevertheless, it is considered pertinent to impose a condition</p>

	<p>requiring details of the proposed compressors to ensure there would not be an adverse impact on residential amenity.</p>
5.14	<p>The changes proposed to the front entrance are considered minor in scale, and would not result in a detrimental impact on the visual amenity of the host property or wider townscape. It is therefore considered the proposal is acceptable in amenity terms and is in accordance with policies DM1 and DM2.</p>
5.15	<p>Policy 2 'Shaping Urban Growth and Regeneration' - Strategic Placemaking' of the Future Wales- The National Plan 2040 states that 'To create activity throughout the day and enable people to walk and cycle, rather than being reliant on travelling by car, places should have a rich mix of residential, commercial and community uses within close proximity to each other'. There is no off street parking proposed, however the site is within a sustainable location within the town centre and there is a public car park located approximately 30 metres south of the application site. The Council's Highways Manager has been consulted on the application and confirmed they have no objection to the proposal. I concur with the Highways Manager and am satisfied that the proposal would not be have a detrimental impact on highway safety.</p>
5.16	<p>In accordance with guidance issued by the Welsh Government, each application for planning permission must now propose ecological mitigation and enhancement. No ecological enhancements have been proposed under this application, therefore a condition would be imposed requiring such details in accordance with the requirements of policy DM1 of the LDP, PPW 11 and the Environment (Wales) Act 2016.</p>
5.17	<p>The proposed plans indicate new shop signage is proposed to the front elevation of the property. This signage does not form part of this application, and is required to be applied for separately under an application for Advertisement Consent.</p>

5.18	In conclusion, the proposed change of use from a retail unit (A1) to a dental surgery (D1) is considered to be acceptable in compliance with LDP Policies SB1, DM1 and DM2 and the adopted SPGs. I therefore recommend approval accordingly.
<b>6. Legislative Obligations</b>	
6.1	The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.
6.2	The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.
<b>7. Conclusion and Recommendation</b>	
7.1	<p>Planning permission be <b><u>GRANTED</u></b> subject to the following condition(s):</p> <ol style="list-style-type: none"> <li>1. The development shall begin not later than five years from the date of this decision notice. Reason: To comply with the requirements of Section 91 of The Town and Country Planning Act 1990.</li> <li>2. The development shall be completed in full accordance with the following approved plans and documents: <ul style="list-style-type: none"> <li>• Site Location Plan, drawing number P/01, dated 14<sup>th</sup> September 2022;</li> <li>• Existing Plans and Elevations, drawing number P/02, dated 14<sup>th</sup> September 2022;</li> <li>• Proposed Plans and Elevations, drawing number P/03, dated 14<sup>th</sup> September 2022;</li> </ul> Reason: To clearly define the scope of this permission.</li> <li>3. Prior to commencement of development, details of bat and bird mitigation (to include location, position and specification) to be provided as part of the development or within the wider curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. The mitigation shall be</li> </ol>

installed within six months of the details being approved and shall be maintained as such thereafter.

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

4. The approved use shall not commence until an amalgam trap has been fitted in accordance with details that have been submitted to and approved in writing by the local planning authority. Thereafter the amalgam trap shall be maintained so as to prevent mercury fillings entering the public sewerage system.

Reason: To protect the integrity of the public sewage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

5. The development hereby approved shall not be brought into beneficial use until details are submitted for the written approval of the Local Planning Authority of the compressor units proposed to the rear of the property. All required equipment shall be installed in accordance with the approved details before the premises is brought into beneficial use and such equipment shall be operated and maintained in accordance with the approved details as long as the use continues.

Reason: To protect the amenities of occupants of nearby properties.

Informatives:

1. 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

2. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also



conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

3. 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.

4. In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. Welsh Water would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

5. The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact Welsh Waters new connections team on 0800 917 2652 for further information on water and sewerage connections.

	6. This permission does not include new shopfront signage. The applicant is required to apply for the signage under a separate Advertisement Consent application unless they can be installed under permitted development rights contained within The Town and Country Planning (Control of Advertisements) Regulations 1992.
<b>8. Risk Implications</b>	
8.1	No risks identified

## Planning Report

<b>Application No:</b> C/2022/0182	<b>App Type:</b> Full
<b>Applicant:</b> Mercia Real Estate (Ebbw) Limited c/o Savills 2 Kingsway Cardiff CF10 3FD	<b>Agent:</b> Savills Mr Joshua Price 2 Kingsway Cardiff CF10 3FD
<b>Site Address:</b> Festival Park Shopping Centre, Victoria, Ebbw Vale. NP23 8FP	
<b>Development:</b> Change of use of former shopping mall into a mixed use business centre comprising Use Classes A, B and D, including remodelling of the existing buildings (and some demolition) together with changes to the internal paths and yards and other associated works	
<b>Case Officer:</b>	<b><u>Helen Hinton</u></b>



## 1. Background, Development and Site Context

- 1.1 This application seeks full planning permission for the alteration and change of use of the former shopping centre (Mall) at the Festival Park site to provide a mixed use business centre.

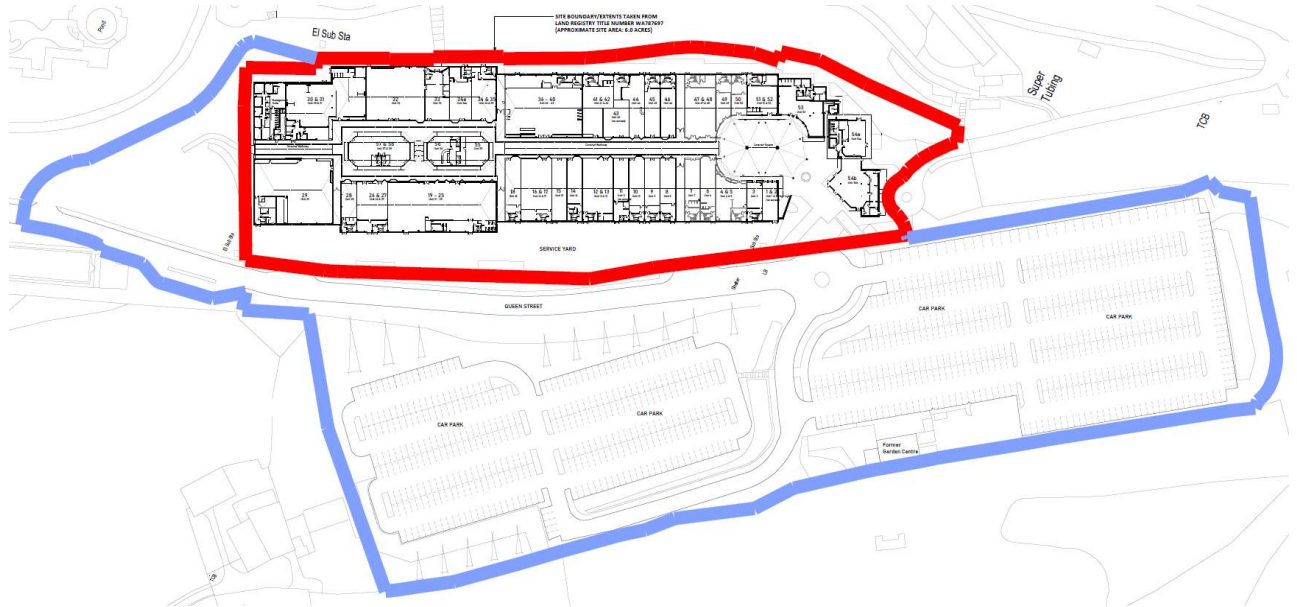


Figure 1. Application site as existing including existing car parking areas.

- 1.2 Application C/1994/0436 granted consent on 27<sup>th</sup> July 1995 for the development of a festival shopping development with ancillary accommodation including visitor, educational centre and park plateau and adjacent car park. The consent was subject to conditions and a section 106 agreement that limited the type of goods that could be offered for sale to imperfect, surplus, end of range, clearance or overrun stock. In compliance with the Town and Country Planning (Use Classes) Order 1987 as amended and The Town and Country Planning (General Permitted Development) Order 1995 as amended, the only permitted change for an extant A1 retail use is to another purpose within Class A1 and a single flat. As the current proposal seeks to create a mixed use development, full planning permission is required.
- 1.3 The details submitted as part of the application specify the principle focus of the development will be to provide premises for businesses, trades, small storage and logistic operators. These uses typically fall within the following categories:
- B1c (Business and/ or industrial process which can be carried out in any residential area without causing detriment to the amenity of the area);
  - B2 (General Industry); and
  - B8 (Storage or distribution).

- 1.4 Consent is also sought for a number of other additional uses. These include:
- A2- Financial and professional services to include but not limited to estate and employment agencies, professional and financial services etc;
  - A3- Food and drink;
  - B1a and b- Office use falling outside of a class A2 use research and development of products or processes;
  - D1- Non-residential institutions these include crèches, non-residential education and training centres, exhibition hall etc; and
  - D2 Assembly and leisure which includes gyms and other indoor and outdoor sports or recreational use.
- 1.5 Following discussions, the range of non B1c, B2 and B8 uses and the floor area dedicated to the these has been limited to ensure they remain ancillary and complementary to the primary business use of the site.
- 1.6 In conjunction with the change of use a number of alterations are proposed to the existing buildings on site. These include:
- Deconstruction of a small number of the existing units and the use of the existing floor areas as a base for additional yard space, parking or roads and paths;
  - External modifications to the existing units (introducing new doors and replacement windows and removing the shopfronts and replacing them with internal facades);
  - Removal of the canopies;
  - Resurfacing of the central walkway to create a service/access road; and
  - Repurposing of the yard (to formalise access routes and car parking).



Figure 2. Layout as proposed

1.7	<p>The alterations proposed would reduce the floor space by approximately 1500 square metres, creating 9 buildings accommodating 28 units which would vary in floor area from 89-744 sq.m. No changes are proposed to the access points from the surrounding road network to the site or to any of the peripheral soft or green areas.</p>
1.8	<p>Festival Park as whole is located in a prominent position to the south of Ebbw Vale and includes the main buildings, structures and parkland remaining from Garden Festival Wales that was held in 1992, together with the Mall, leisure attractions, woodland and two main lakes.</p>
1.9	<p>The site is accessed via Queen street off the A4046 highway and is approximately 1 mile from Ebbw Vale Parkway railway station.</p>
1.10	<p>The red line boundary of the application encompasses the Mall area which includes two principal terraces of single storey modular buildings which house a series of shops and ancillary uses. The terraces are split by a central covered walkway and are served by a yard running along the western edge of the site. Pedestrian access to the site is currently via an entrance plaza at the southern end of the site with direct links to the large areas of surface car parking to the west and south west.</p>
1.11	<p>At the time of inspection, the retail use of the Mall had ceased and the site was closed to the general public.</p>
1.12	<p>The site is located within the settlement boundary as defined by the proposals map of the Blaenau Gwent County Borough Council Local Development Plan (LDP). Although there are no statutory landscape or environmental designations affecting the application site the land immediately to the west forms part of the allocated Special Landscape Areas of Cefn Manmoel (ENV2.6) with a number of Sites of Importance for Nature Conservation. The land to the east is allocated for Tourism and Leisure purposes (TM1.2 Garden Festival) with a small area of land immediately to the north of the main Mall building being allocated for retail use (Policy R1.2).</p>

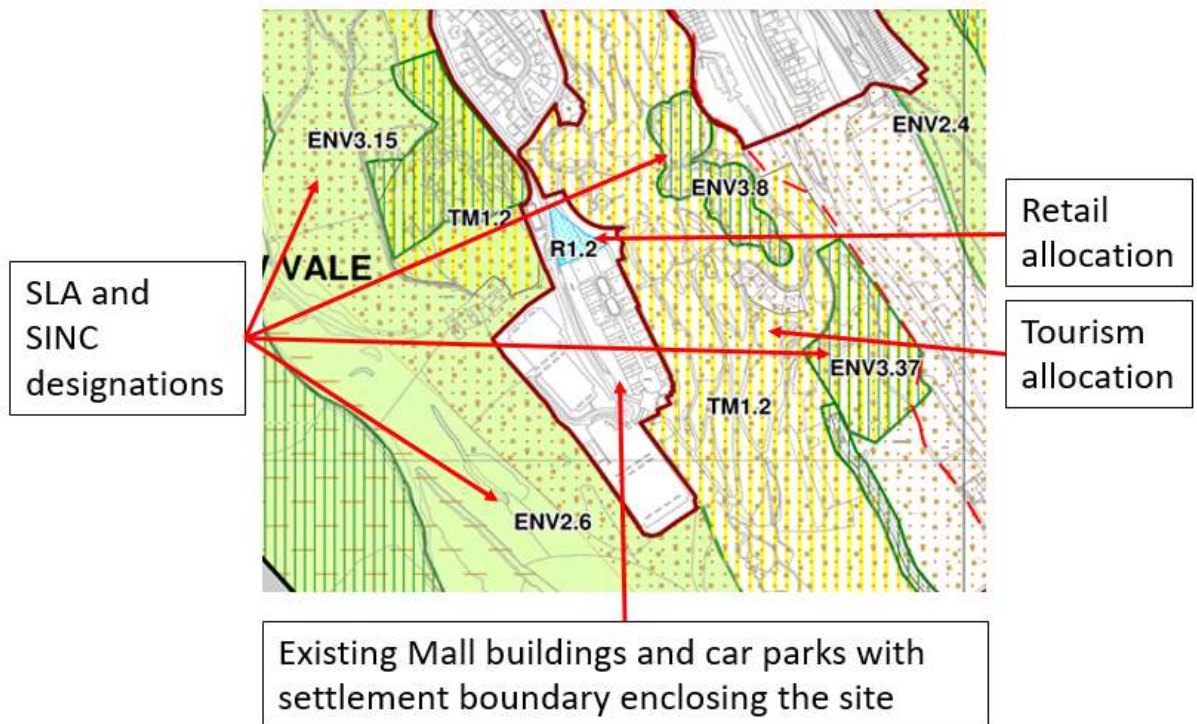


Figure 3. Extract from the Proposals Map of the Local Development Plan

- 1.13 In addition to the drawing pack the application is supported by a number of reports including:
- Sequential Test;
  - Design and Access Statement (DAS);
  - Transport Assessment;
  - Demolition Method Statement;
  - Preliminary Ecological Appraisal; and
  - Drainage Statement.
- 1.14 Although the buildings and infrastructure are already on site, as the overall application site is in excess of 1 hectare in area. In compliance with the definition given in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, the application is therefore deemed to be a major development. The applicant has undertaken a pre-application consultation (PAC) prior to the submission of the planning application with the summary report submitted for consideration.
- 1.15 The application is presented to Members on the grounds that the proposal constitutes major development.

## 2. Site History

	Ref No	Details	Decision
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2.1	C/1994/0436	Outline planning permission for Festival shopping development with ancillary accommodation including visitor, educational centre & car park	Approved subject to S106 July 1995
2.2	C/1995/0228	Reserved matters pursuant to outline planning permission ref. C/1994/0436	Approved August 1995
2.3	C/1997/0169	Variation of condition 5 in planning approval 94/0436 to permit use of unit 10 by charity shop (unit 10)	Approved 10.07.1997
2.4	C/1997/0170	Variation of condition 4 in planning approval 94/0436 to permit use of unit 50 by confectionary retailer (unit 50)	Approved 10.07.1997
2.5	C/1997/0365	Change of use from crèche to retail and A3	Approved 11.12.1997
2.6	C/1997/0400	Single storey retail units	Approved 12.2.1998
2.7	C/1998/0060	Two storey unit – retail at ground floor, leisure at lower ground floor	Approved 9.4.1998
2.8	C/1999/0067	Visitor Centre, restaurant & extension	Approved 7.4.1999
2.9	C/2006/0355	COU to coffee shop (unit 56)	Approved 16.11.2007
2.10	C/2007/0245	Two storey unit – retail at ground floor, storage at lower ground floor	Approved 16.11.2007
2.11	C/2010/0132	2 new garden attractions to Festival Park comprising: 1) Timber adventure castle. 2) 4 lane tube run (including storage hut) 3) Timber access stairs.	Approved 11.5.2010
2.12	C/2012/0243	Application for variation of condition 4 of C/2007/0245 to allow an extension of statutory time period for commencement of works	Approved 22.11.2012
2.13	C/2017/0297	Application to vary condition 7 relating to the statutory time period for commencement of works of planning permission C/2012/0243	Approved 4.12.2017
2.14	C/2019/0281	Alterations to existing retail units to create children's play area and splash park (units 55-56)	Approved 4/12/2019



2.15	C/2020/0226	Subdivide existing A1 retail unit to provide 2 A3 units, reconstruct elevations under existing roof structure to provide covered seating area in association with A3 use (Unit 58)	Approved 20/3/2020
<b>3. Consultation and Other Relevant Information</b>			
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 – Following the submission of additional information, no objections are raised in principle, subject to conditions requiring the submission of additional information principally with regards to the retention of 200 parking spaces and use specific travel plans, plus the provision of all cycle parking, internal access roads, service yards and the demarcation of pedestrian walkways prior to occupation of any of the units on site.		
3.5	Drainage: Confirmation that the site does not need to achieve SuDS standards S1 –S6 in full. However, requirements of the S3 standards with regards to water quality will be required. This could be achieved through the installation of permeable paving and the provision of secondary filtration in the form of rain gardens, swales, French drains etc.		
3.6	Ecology- No objection. Ecological mitigation and enhancement requirements must be secured by condition.		
3.7	<u>Service Manager Public Protection:</u> No objection in principle. Conditions recommended with regards to the submission of an asbestos demolition survey; standard land contamination conditions (mainly in relation to the landscaped areas); and the provision of EV charging facilities.		
3.8	<b><u>External Consultation Responses</u></b>		
3.9	<u>Welsh Water:</u>		

	<p>No objection. 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><u>Gwent Police:</u> Advice provided with regards to surveillance over the site including access points, car parking and delivery areas and physical security of the buildings to discourage any future crime and anti-social behaviour.</p>
3.13	<p><b><u>Public Consultation:</u></b></p>
3.14	<ul style="list-style-type: none"> <li>• 7 letters to nearby premises</li> <li>• site notices</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>
3.15	<p><u>Response:</u> No objections or representations have been received.</p>

#### 4. Planning Policy

4.1	<p><u>Team Manager Development Plans:</u></p>
4.2	<p>Following the submission of the sequential test evidence, Planning Policy are satisfied with the conclusions and agree that there are no sequentially preferable sites to accommodate the proposal. While not referenced as part of the proposal, LDP Policy DM10 reinforces a business park can accommodate an ancillary facility or service to the proposed employment use (subject to the sequential test). The uses and limited floor space proposed for non-b use classes would indicate that they would be ancillary to the main business park and employment uses.</p>
4.3	<p><u>Local Development Plan Policies:</u></p> <ul style="list-style-type: none"> <li>• SP1 Northern Strategy Area – Sustainable Growth and Regeneration</li> <li>• SP3 Retail Hierarchy and the Vitality and Viability of the Town Centres</li> <li>• S7 Climate Change</li> </ul>

<p>4.4</p> <p>4.5</p>	<ul style="list-style-type: none"> <li>• SP8 Sustainable Economic Growth</li> <li>• SP10 Protection and Enhancement of the Natural Environment</li> <li>• DM1 New Development</li> <li>• DM2 Design and Placemaking</li> <li>• DM5 Principal and District Town Centre Management</li> <li>• DM14 Biodiversity Protection and Enhancement</li> <li>• SB1 Settlement Boundaries</li> <li>• R1 Retail allocations</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) 5: nature conservation and planning</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>5.2</p> <p>5.3</p> <p>5.4</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. Opportunities and growth in strategic economic and housing growth; essential services and facilities; advanced manufacturing; transport and digital infrastructure will be supported.</p> <p>Whilst 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, Policy 6 advocates a Town Centre First approach advising that significant new commercial, retail, education, health, leisure and public services facilities must be located within town and city centres.</p> <p>Being mindful of the nature of the proposal and its location, the application is considered compliant with policies 1, 2 and 33. Although not significant in scale, the proposed provision of non B uses as part of the development,</p>

	outside of the Ebbw Vale town centre, is contrary to policy 6 of Future Wales 2040.
5.5	The primary objective of Planning Policy Wales (PPW) (Ed 11, February 2021), is to ensure that the planning system delivers sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and other key legislation. Recycling and making the best and most effective use of previously developed land is a consistent theme that runs through PPW.
5.6	Section 4.3 of PPW relates to retail and commercial development with paragraph 4.3.18 stating that ‘the Welsh Government operates a town centres first policy in relation to the location of new retail and commercial centre development. The paragraph highlights, “in implementing this policy, planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications for retail and other complementary uses. By adopting a sequential approach, first preference should be to locate new development within a retail and commercial centre defined in the development plan hierarchy of centres”.
5.7	Paragraph 4.3.19 advises, “If a suitable site or building to meet identified need is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites and if no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes, including active travel and public transport, be considered”.
5.8	Paragraph 4.3.21 identifies that ‘the sequential approach applies to retail and all other uses complementary to retail and commercial centres.” Other complementary uses include, A2, A3, B1, D1 and D2, which are proposed as part of this application. Paragraph 4.3.21 concludes by advising that planning authorities should be flexible in their approach where it is necessary.
5.9	With regards to the LDP, the following policies are of relevance:
5.10	Policy SP3 (The Retail hierarchy and the Vitality and Viability of Town Centres) seeks to meet future retail need in a coordinated and sustainable manner by focusing new provision within the designated and allocated Principal Town Centre of Ebbw Vale, followed by the designated District and Local Town Centre then smaller neighbourhood centres.
5.11	Criteria c of Policy SP7 (Climate Change) identifies that the Authority will promote efficient use of land, by giving preference to brownfield and

	development at higher densities on sites located close to transport corridors or town centres and mixed use allocations.
5.12	Policy SP8 (Sustainable Economic Growth) seeks to increase economic activity, diversify the economy and ensure that residents of Blaenau Gwent maximise their economic potential through a variety of means.
5.13	In conjunction with Policy SP3, Policy DM5 (Principal and District Town Centre Management) seeks to improve the vitality and viability of the town centres by providing support to proposals that seek to provide, refurbish or redevelop shops (A1 and A3), offices (A2 and B) and other commercial premises (including D1 and D2 uses).
5.14	Policy R1 (Retail Allocations) specifies, “planning applications for edge of centre and out of town centre retail developments will be dealt with in accordance with national planning policy”. Whilst designation R1.2 allocates land for retail development at the Festival Shopping Outlet for 1,400sqm (indicative net sales area) of ‘comparison’ floorspace, this allocation is limited to the green space immediately adjacent to the northern extent of the existing Mall.
5.15	The site is deemed to be previously developed/ brownfield land that is located within the defined settlement boundary (Policy SB1). The principle of development in such locations is more likely to be acceptable with the repurposing and reusing of land and buildings (where feasible) encouraged. However, the site falls outside of the town centre designation referred to by policies SP3 and DM5.
5.16	As specified above, the original outline consent for the site was subject to conditions and a Section 106 agreement to limit the type of products that could be offered for sale. Whilst the site has an extensive history of planning applications for various retail, food and leisure applications, the majority of these permissions are also limited by condition, to prevent an unfettered retail use, in the interest of protecting the vitality and viability of Ebbw Vale town centre.
5.17	With regard to the requirements of National Policy as specified in PPW 11 and Technical Advice Note 4 (TAN4), a Sequential Test has been requested to identify whether there are suitable, available, and viable sites for development within Ebbw Vale Town Centre.
5.18	In conjunction with the latest town centre survey results, the sequential test focuses on vacant units in Ebbw Vale Town Centre to determine whether there

	<p>are any that could accommodate up to 500 square metres of floorspace (with a lower limit of 176 square metres to reflect the smallest unit on the proposed scheme that could be used for a non B1c, B2 or B8 purpose).</p>
5.19	<p>The test's principal finding is that, whilst there is one vacant unit which could just be large enough, it is not a suitable or viable alternative to what is proposed. In association with circumstances and opportunities that the scheme is trying to capture, the report concludes that any uses at the repurposed Mall are no threat to the town centre and will not compete for town centre uses.</p>
5.20	<p>Following a review of the report, the Council's Planning Policy Team have confirmed that they agree with the findings and conclusions drawn. Furthermore, they have identified that Policy DM10 reinforces that a business park can accommodate an ancillary facility or service to the proposed employment use (subject to the sequential test). In this instance, the uses and limited floor space proposed for non-B use classes would indicate that they would be ancillary to the main business park and employment uses.</p>
5.21	<p>Following discussion with the Head of Estates and Strategic Asset Management it has been confirmed that there is a demand for units of this type and size within the Authority.</p>
5.22	<p>On the basis of the above, it is considered that a change of use of the site to provide a mixed use development has the potential to create a range of employment opportunities from a site which is currently vacant and recently underutilised. In the context of fostering economic growth and employment opportunities, it is considered that the re-occupation of the site by a wider variety of uses has the potential to future proof the site and support and enhance the vitality and viability of the area. Further to the submission of the sequential test, it is considered that the proposal aligns with the wider objectives of national policy and the LDP and the principle of development is therefore acceptable, subject to the application satisfying a number of material considerations which are detailed below.</p>
5.23	<p><u>Design and Amenity</u></p>
5.24	<p>The plans and documents submitted detail that the existing buildings and units will be altered and repurposed to provide a mixed uses employment location. Although some demolition and remodelling it proposed, relative to the existing arrangement, it is considered that the alterations will have a minimal effect on the overall external form and appearance of the site. It is considered that accessibility to, from and within the site has been taken into consideration and</p>

	<p>the proposal has been carefully considered in terms of its overall configuration to maximise the potential of the site.</p>
5.25	<p>Relative to the extant use and the disruption this would have generated, it is considered that the scale of the units proposed, their likely occupation by small scale operators/ manufactures, the screening provided by existing landscaping and the maintenance of approximately 190m distance with the nearest dwellings, would prevent the development from generating a level of noise or disturbance, or an overlooking impact, significantly detrimental to amenity.</p>
5.26	<p>Following consultation, the Council's Specialist Environmental Health Officers have raised no objections to the application in principle but have recommended conditions with regards to the submission of an asbestos demolition survey; standard land contamination conditions and the provision of EV charging stations. The conditions are considered necessary in the interests of the amenity of the application site and wider area.</p>
5.27	<p>Subject to the imposition of the requested conditions, the application is considered compliant with the relevant requirements of LDP Policies DM1 and DM2.</p>
5.28	<p><u>Sustainable Design</u></p>
5.29	<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>
5.29	<p>Details submitted as part of this application advise that the applicant intends to adopt a fabric first approach to maximise insulation and natural light fall, in order to improve the efficiency of the building and reduce energy demand. This is likely to result in minimal renewable technology being required to satisfy the requirements of Part L of the Building Regulations.</p>
5.30	<p>Based on the above, it is considered that the proposal will bring a currently vacant site, within the urban area back into active commercial use, 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. The application is therefore considered compliant with the requirements Policy DM4.</p>

5.31	<u>Highways and Parking</u>
5.32	The site is well located in terms of both the local and strategic highway network and public transport connections. The site is within a 1km of the Ebbw Vale Parkway train station and also benefits from a via bus service to the site which will not change as a result of this proposal. A Transport Statement has been submitted detailing how the proposal will reduce trips on the road network relative to the extant use of the site.
5.33	Access to the remodelled Mall will come from two existing points along Queen Street and an additional exit which will be formed by reconfiguring the existing pedestrian walkway at its' southern end to connect with the existing roundabout. A new one-way travel route will be implemented through the site. The walkway between the two terraces will be converted into an internal access road and existing yards will be supplemented by new areas on the footprints of the cleared units.
5.34	To ensure compliance with the Access, Car Parking and Design SPG, some of the existing retail units will be removed to accommodate car parking areas for the respective business units. Parking spaces for cars and larger vehicles will be provided next to or alongside the reconfigured units with any further parking requirements accommodated on the existing car parks to the west.
5.35	<p>Following consultation, The Team Manager – Built Infrastructure has raised no objection in principle to the proposal but has recommended a number of conditions:</p> <ul style="list-style-type: none"> <li>• The retention of at least 200 parking spaces to serve the site;</li> <li>• The submission of use specific travel framework plans; and</li> <li>• All pedestrian facilities, turning areas, parking and cycle spaces being provided prior to first beneficial occupation of the site.</li> </ul>
5.36	Being mindful of the scale of the proposal, the conditions requested are considered 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.
5.37	<u>Ecology and Landscaping</u>
5.38	As specified above there are a number of designated Sites of Importance for Nature Conservation (SINC) near to the site. These include festival lake (no.



	<p>8) located to the east; land surrounding the wetland centre (no. 15) which covers the majority of the parkland to the east; and cwm slopes (no. 37) located to the east and south of festival lake. None of the designated SINC sites are within the boundary of the application site. Furthermore, given the proposal seeks to adapt and reduce the existing built form, it is considered that the proposal will have not have a detrimental impact upon these designations.</p>
5.39	<p>Being mindful of the site context and existing green infrastructure connectivity opportunities a preliminary ecological appraisal and bat assessment has been carried out which confirms that there is no ecological constraint to the proposals.</p>
5.40	<p>Following consultation, the Council's Ecologist has raised no objection to the proposal subject to a condition requiring the development to provide ecological enhancement opportunities. This could take the form of enhanced landscaping and/ or the provision of bat and bird boxes in appropriate locations on the buildings or within the site.</p>
5.41	<p>In relation to landscape, it is noted that the site is located in proximity to Cefn Manmoel Special Landscape Area (SLA) to the west. Policy ENV2 requires development proposals to be of the highest possible design standards so as to not cause detrimental impact upon the SLA. Although alterations to the buildings are proposed, as the site is located outside the SLA, the works would not increase the existing built form and the site would remain well screened by existing planning and landscape buffers, it is considered that the proposal would not have a detrimental impact on the designation.</p>
5.42	<p>Subject to the imposition of an ecological enhancement condition and a condition requiring the submission of any new lighting details, to reduce light spill that may have a disruptive effect on the flight routes of protected species, it is considered that the proposal would not have an unacceptable impact on the ecological interests of the site or the landscape character and appearance of the wider area. The application is therefore considered compliant with the relevant requirements of LDP Policies SP10, DM1, DM2, DM14 and ENV2.</p>
5.43	<p><u>Drainage</u></p>
5.44	<p>The entire Mall site is covered by buildings, concrete and hard surfacing and is served by existing services and utilities. This includes a single drainage system that captures surface water and discharges it into the existing system that serves the whole of the Festival Park site. The remodelled Mall and the spaces around it will utilise the existing surface water drainage system with</p>

	only minimal and localised modifications. A drainage statement detailing the alterations has been submitted in support of the application.
5.45	As no new building work is proposed and because any new yards or access roads will be formed on the site of existing hard surfaces, the Council has confirmed that a full SAB approval will not be needed for the proposals. However, following consultation, the Council's Drainage Officer has recommended a number of alterations to reduce the outfall and improve the quality of the surface water discharging from the site. The Officer notes that this can be achieved through the installation of permeable paving and the provision of secondary filtration in the form of rain gardens, swales, French drains etc.
5.46	Being mindful that the site does not need to seek full SAB approval but that the proposal could introduce a new business use to the site that may generate increased water contaminants it is considered necessary to condition the submission of additional surface water drainage information, in this instance.
5.47	Following consultation, Welsh Water have raised no objection to the proposal.

## 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	<u>Conclusion</u>
7.2	In summary, it has been demonstrated, by way of a sequential test that the proposal would not challenge or harm the vitality and viability of the existing designated retail centres. It is therefore considered that the alteration of the site to provide units of a size and scale that are in demand, would provide an opportunity to enhance economic development, business growth and

	<p>employment opportunities in the area is compliant with National and Local Planning Policies.</p>
7.3	<p>Given the existing built form, the design of the alterations proposed and the sites overall position, it is considered that the use and alterations would not have a detrimental impact on the amenity, character or appearance of the application site or wider area.</p>
7.4	<p>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 and to prevent the development from being detrimental to the highway safety and free flow of pedestrian and vehicular traffic.</p>
7.5	<p>Subject to conditions to secure infrastructure, reports to clarify the methods of asbestos removal and resolution of any land contamination, a drainage strategy and details of ecological mitigation and enhancement and lighting, 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>
1	Time limit full.
2	Approved plans.
3	Removal of PD rights to limit floor area of A and D uses.
4	Prior to commencement - submission of an asbestos demolition survey and details of removal.
5	Prior to commencement- submission of a desk based land contamination report.
6	Submission of use specific framework Travel Plan prior to commencement.
7	Details of drainage methods to improve quality of surface water quality run off.
8	Details of a scheme of landscaping and ecological enhancement to be submitted and approved in writing by the LPA prior to first beneficial occupation.

9	Details of new lighting to be submitted and approved in writing by the LPD prior to installation.
10	Retention of landscaping.
11	Provision and retention of pedestrian infrastructure, access routes servicing, turning areas, cycle and 200 parking spaces prior to first beneficial use.
<p>Advisory notes: None</p>	
<b>8. Risk Implications</b>	
8.1	No risks identified

## Planning Report

<b>Application No:</b> C/2022/0123	<b>App Type:</b> Outline
<b>Applicant:</b> Mr B Jones 2 South View Troedyrhiw Merthyr Tydfil CF48 4JA	<b>Agent:</b> C Lodge CLC Construction Consultants Ltd 19 Heol-Y-Deri Rhiwbina Cardiff CF14 6HA
<b>Site Address:</b> Land at Cemetery Road Ebbw Vale NP23 6YQ	
<b>Development:</b> Construction of 13 no. self-build houses, with associated external works.	
<b>Case Officer:</b>	<b><u>Joanne White</u></b>



Image: Google

## 1. Background, Development and Site Context

- 1.1 The site is a vacant parcel of land, which sits between the A4046 (to the south west) and Cemetery Road to the east. The site is an irregular elongated rectangle in shape and is approximately 180m x 45m covering 0.82ha.
- 1.2 To the north-east, on the opposite side of the road, is Ebbw Vale Fire Station and bungalows at Lilian Grove. To the north-west is a public footpath linking Cemetery Road to the A4046 with scrub grassland beyond. Tesco's is located to the south-west of the site, on the opposite side of the A4046. To the south-east of the site is the Apostolic Buildings. The site is largely screened by trees and high hedges to all boundaries and there is an existing access into the site off Cemetery Road.
- 1.3 The topography is such that the land slopes gently from north to south and west to east.
- 1.4 It is apparent that there are informal desire lines through the site where people cut through from Cemetery Road to the A4046 however, there are no formal public Rights of Way.

1.5



Fig 1: View from within the site, facing east (towards the fire station)

1.6



Fig 2 & 3: Existing access point into the site off Cemetery Road and views into the site looking south west.

1.7



Fig 4: Northern end of the site looking in a south-east direction.

1.8 The site is allocated within the Local Development Plan for residential development as part of a wider mixed use development under Policy MU1 Ebbw Vale Northern Corridor.

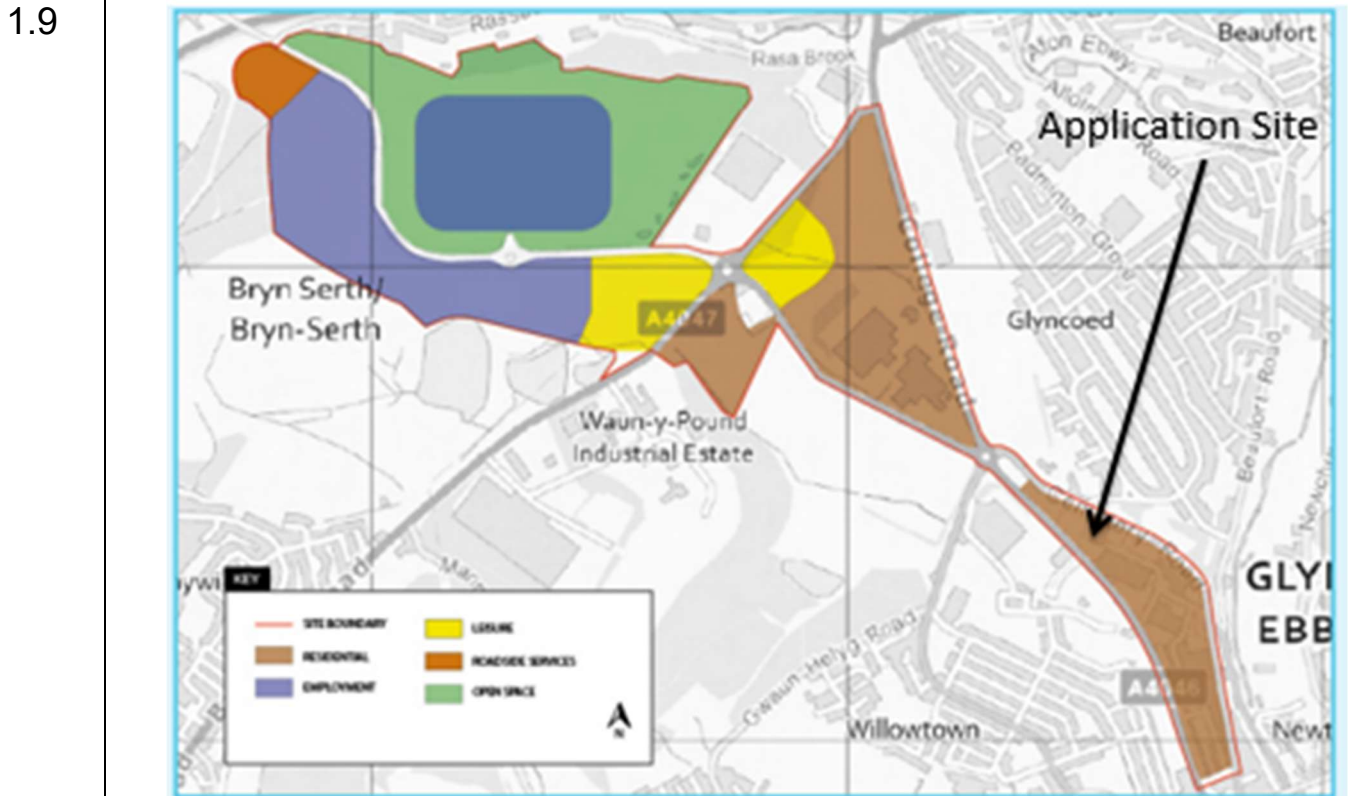


Fig 5: Local Development Plan Allocation. Brown shaded area denotes residential use.

1.10 This application seeks outline permission for 13 self-build dwellings. With the exception of access and scale, all other matters are reserved for future consideration.

1.11 Indicative plans have been submitted which illustrate provision for 13 dwellings with a private access drive, turning area and capacity for bin store collection and swale.



1.12

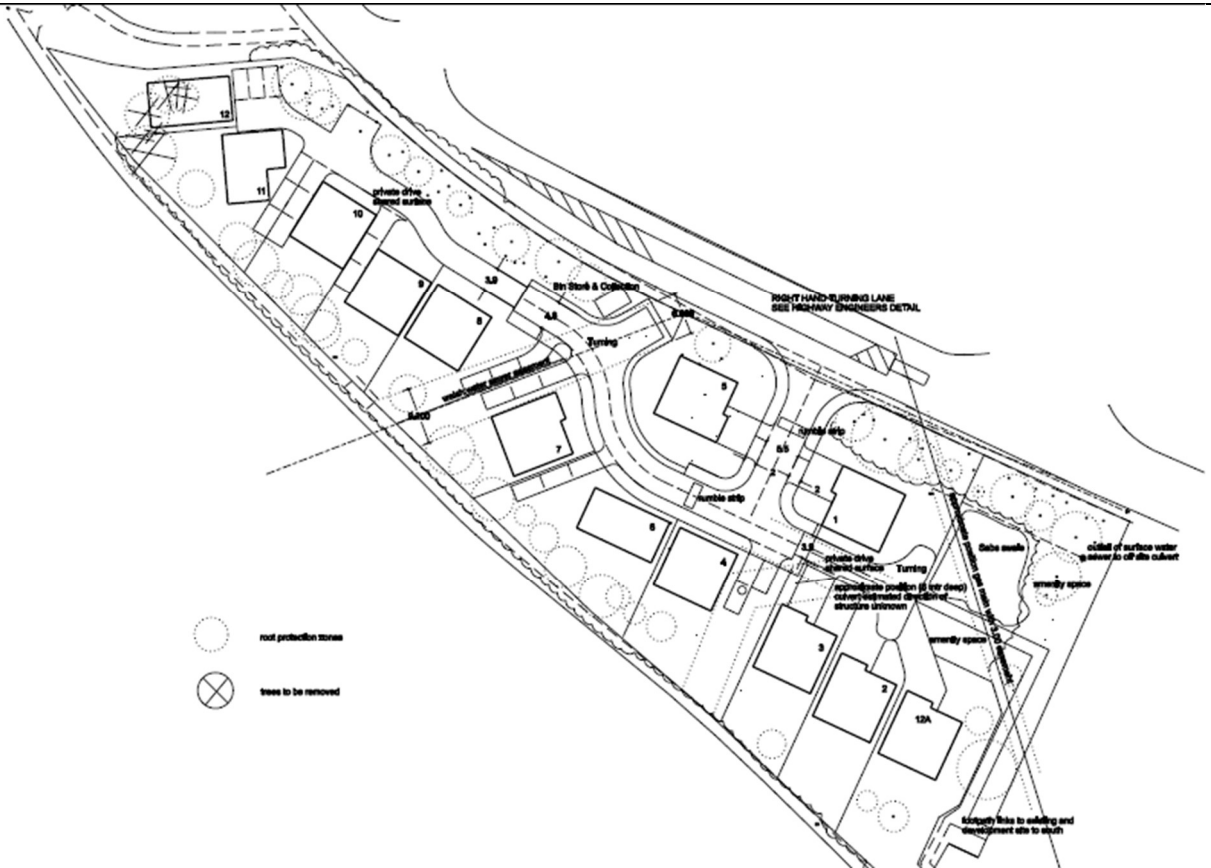


Fig 6: Indicative Layout including proposed Access and internal road.

1.13

Scale parameters for each dwelling have been provided and are set out as follows:

1.14

PLOTS	MIN	MAX
1, 12A, 2, 3, 5, 7	8.00m x 8.00m x 7.00m	10.00m x 10.00m x 8.50m
4, 8, 9, 10	8.00m x 8.00m x 7.00m	10.00m x 10.00m x 8.50m
6, 12	10.00m x 6.00m x 7.00m	13.00m x 7.00m x 8.50m
11	8.00m x 8.00m x 7.50m	10.90m x 9.60m x 8.50m

Fig 7: Scale Parameters of dwellings (minimum and maximum Length x Width x Height)

1.15

The proposed access utilises the existing entrance point into the site but includes highway improvement by means of a dedicated right-hand turning lane off Cemetery Road into the site, internal road with turning points and

- rumble strips. At either end of the internal road is a private drive with ‘shared surfaces’ also known as ‘Home Zones’ where residents (including people who walk and cycle) and vehicles share the whole of the street space.
- 1.16 A new footpath is also proposed from the access leading to the southern corner of the site to link to the A4046.

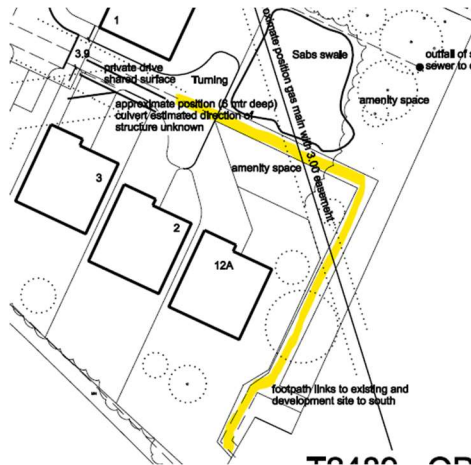


Fig 8: Footpath link to southern end of site

- 1.17 Indicative plans illustrate that the properties would be a mixture of four and five bed houses (plots 6 and 12 being 5-bed with the remainder being 4-bed) and would be 2-2.5 storey in height.
- 1.18 In addition to the illustrative plans showing the layout and house types the applicant has submitted supplementary information which includes a Design and Access Statement (DAS), Pre-application Consultation Report (PAC), Ecological Assessment, Tree Survey & Arboricultural Impact Assessment, Asbestos in soils contamination report, Coal Mining Risk Assessment, Contaminated Land Assessment and Noise Assessment.
- 1.19 The applicant undertook pre-application consultation prior to the submission of the planning application, which included publicising a draft of the proposed development and consultation with the community and specialist consultees, including ward members. A related Pre-Application Consultation Report has been submitted with the planning application.

## 2. Site History

	Ref No	Details	Decision
2.1	C/2003/0505	New Combined Magistrates and County Courthouse (outline)	Approved 29/01/2004

### 3. Consultation and Other Relevant Information

3.1 **Internal BG Responses**

3.2 Team Leader Building Control: Building Regs Required.

3.3 Service Manager Infrastructure:

3.4 Highways:

3.5 No objections subject to the following:

- 3.6
1. Any proposed development to provide off-street parking in accordance with the Council's 'Access, Car parking and Design' SPG.
  2. In order to complete the junction configuration to facilitate access to the development, the applicant will be required to enter into a Section 278 Agreement under the Highway Act 1980 with the Council. These works are to be designed and constructed in accordance with the Council's highway design standards and will be subject to a full Road Safety Audit.
  3. The proposed new footpath linking the site to the A4046 is to be fully constructed prior to occupation of any dwellings.

3.7 The Highway Authority considers that this development will be designated as a 'Home Zone'. Appropriate highway design features must be incorporated within the internal highway network in accordance with Manual for Streets. A speed limit of 20mph is to be implemented.

3.8 Drainage: No objection.

3.9 The development is over 100 square metres in floor area and will therefore separate consent for surface water drainage will be required from the Sustainable Drainage Systems (SuDS) Approval Body (SAB).

3.10 Ground Stability: No objection.

3.11 The submitted report (CMRA) recommends an intrusive site investigation to ascertain the presence and depth of shallow mine workings beneath the site.

3.12 The mining investigation must be designed and undertaken by a suitably qualified and experienced engineer.

3.13 It is advised that no construction works to the development site be undertaken until the findings of the report have been submitted to the LPA and Coal Authority.

3.14 Landscape: No objection.

3.15 As most of the trees are to be retained and Catherine Etchell Associates landscaping proposals include tree and hedgerow planting, orchard trees, a

	swale and other pollinator plant species throughout the design, this is adequate to mitigate for any loss and will enhance existing ecosystems and habitat connectivity.
3.16	Most of the existing trees are to be retained with the exception of 11 trees, 9 of which being category C2 low quality and one of those being defective. The proposal will have minimal negative impact upon those trees to remain. A reserved matters application will need to demonstrate how construction is to be achieved in these Root Protection Zones without excavation or raising of soil levels
3.17	<u>Ecology:</u> No objection subject to conditions requiring bat lighting strategy, compliance with recommendations of the Landscape, Biodiversity and Amenity Strategy (November 2021) and submission of a Landscape Ecological Management Plan.
3.18	<u>Rights of Way:</u> No response received at time of writing report. However, no rights of way crossing the site.
3.19	<u>Education:</u> No financial contribution required.
3.20	<u>Leisure:</u> Based on the planning obligations Annex 4; 4.3 & 4.4. the appropriate contribution per dwelling would be £3800, equating to £45,600. The funding will be used to upgrade existing play facilities, including those at Letchworth Road Play Area. As these are existing stock it would not require any further financial commitment for future maintenance costs.
3.21	<u>Service Manager Public Protection:</u>
3.22	No objection subject to conditions.
3.23	The land the houses will be built upon is overlain with made ground associated with historical industries in the area. The site is also adjacent to a closed former inert waste landfill site. The standard land contamination condition should be imposed. Provision should also be made for the charging of electric vehicles at the properties.
3.24	Conditions in relation to noise should also be imposed. The conditions shall require a scheme to be submitted as part of reserved matters to provide that all habitable rooms exposed to external road traffic noise have sound insulation, together with submission of noise mitigation measures and a construction management plan.
3.25	<b><u>External Consultation Responses</u></b>

<p>3.26</p> <p>3.27</p> <p>3.28</p> <p>3.29</p> <p>3.30</p> <p>3.31</p>	<p><u>Welsh Water:</u> No objection. The proposed development site is crossed by a public foul sewer. No operational development is to take place within 3 metres either side of the centreline of the sewer. Prior to commencing any operational development, the location of this asset should be determined. Recommend standard condition for foul drainage and advisory notes.</p> <p><u>Western Power:</u> Identified assets in the vicinity.</p> <p><u>W&amp;W Utilities:</u> Identified assets in the vicinity.</p> <p><u>Coal Authority:</u> Confirmed that the application site does not fall within the defined Development High Risk Area.</p> <p><b><u>Public Consultation:</u></b></p> <ul style="list-style-type: none"> <li>• 22 letters to nearby properties</li> <li>• site notices</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><u>Response:</u> None.</p>
<p><b>4. Planning Policy</b></p>	
<p>4.1</p> <p>4.2</p> <p>4.3</p>	<p><u>Team Manager Development Plans:</u> No objections.</p> <p>Based on financial details submitted, it is accepted that there is no viability in the scheme to provide an affordable housing contribution or planning obligations.</p> <p><u>LDP Policies:</u> SP1 Northern Strategy Area – Sustainable Growth and Regeneration; SP4 Delivering Quality Housing; SP5 Spatial Distribution of Housing Sites; SP7 Climate Change; SP10 Protection and Enhancement of the Natural Environment; DM1 New Development;</p>

	<p>DM2 Design and Placemaking;  DM3 Infrastructure Provision;  DM7 Affordable Housing;  DM12 Provision of Outdoor Sport and Play Facilities;  DM14 Biodiversity Protection and Enhancement;  DM16 Trees, Woodlands and Hedgerow Protection;  SB1 Settlement Boundaries;  MU1 Ebbw Vale Northern Corridor;  H1 Housing Allocations.</p> <p>4.4 <u>Supplementary Planning Guidance</u>  Access, Car Parking and Design (March 2014)  A Model Deign Guide for Wales – Residential Development (March 2005);  Planning Obligations – Note 7 (September 2011); and  Ebbw Vale Sustainable Regeneration Framework (April 2011).</p> <p>4.5 <u>PPW &amp; TANs:</u>  Planning Policy Wales Edition 11 (February 2021)  Future Wales The National Plan 2040  Technical Advice Note 2: Affordable Housing (June 2006); and</p> <p>4.6 Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.</p>
<p><b>5. Planning Assessment</b></p>	
<p>5.1</p>	<p>The Blaenau Gwent LDP indicates that the site lies within the settlement boundary within which development is normally permitted subject to other policies within the plan and material considerations (Policy SB1).</p>
<p>5.2</p>	<p>The main considerations in determining this application are whether the principle of residential development is acceptable (including scale parameters), the adequacy of the proposed access, and the requirement for Planning Obligations. All other matters are reserved for future consideration.</p>
<p>5.3</p>	<p><u>Principle of Development</u>  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. The specific purpose of Future Wales is to ensure the</p>

planning system at all levels is consistent with, and supports the delivery of, Welsh Government strategic aims and policies. The relevant policies in relation to this development are Policies 1 and 2. Policy 1 promotes continued growth and regeneration in the area. Policy 2 supports a rich mix of residential, commercial and community uses within close proximity to each other and to create activity throughout the day to enable people to walk and cycle rather than being reliant on travelling by car. Being mindful of the nature of the proposal and its location, the application is considered compliant with these policies.

5.4 This is supported by PPW 11 (February 2021). The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales as required by the Well-being of Future Generations (Wales) Act 2015.

5.5 The site is allocated within the Local Development Plan (LDP) for mixed use development as part of the regeneration framework for the Ebbw Vale Northern Corridor (Policy MU1). The Northern Corridor comprises of a number of regeneration projects and sites, with the application site falling within Site 1; "Civic/Leisure Area, West of Cemetery Road". This area is allocated for residential development with the potential to accommodate between 180-240 units. The application site occupies a relatively small, linear area to the north-west end of Site 1:



Fig 10: Application site occupying north-west end of Site 1 allocation.

5.6	The proposed residential development is therefore considered to be acceptable in land use terms and I am satisfied that the proposal would be compatible with surrounding neighbouring land uses. As such, the principle of development is considered to be in accordance with national policy and LDP Policies SP1, MU1 and DM1(2) and d.
5.7	In terms of the type of housing proposed, this is reserved for future consideration. However, the indicative plans suggest that the dwellings will all be detached with the majority being 4-bed with 1x 5-bed. LDP Policy SP4 requires a mix of dwelling types, sizes and tenure to create mixed and balanced communities and meet housing needs. The latest Housing Market Assessment (2019) concludes that there is an outstanding need for 4-bed houses. As such, I am satisfied that the proposed development would contribute to meeting the housing need of the area and complies with LDP Policies SP4 and SP5.
5.8	<u>Scale</u> Whilst only indicative, the block plan clearly illustrates that the site can easily accommodate the proposed 13 dwellings with sufficient parking and amenity space.
5.9	Scale parameters for the dwellings have been provided and specify that the dwellings will be 2 – 2.5 storey in height with overall ridge heights between 7m-8.5m. Given the topography of the area, separation distances between the site and surrounding buildings and the fact that the local vernacular is mixed in form and style; ranging from low level bungalows and a fire station to the east with a two storey commercial building to the south, I am of the opinion that the scale parameters of the proposed dwellings are acceptable and will not have a detrimental visual impact upon the street scene.
5.10	Whilst the scale of the dwellings is considered acceptable, I note that the proposal is for self-build plots. As such, I consider it prudent to impose a condition requiring submission of a design brief to simplify any future applications for reserved matters, which are likely to be submitted in an adhoc manner, and to ensure a coherent and holistic development.
5.11	<u>Access</u> The Highways Manager has confirmed that the proposed junction configuration to facilitate the access to the development from Cemetery Road is acceptable. Albeit, the developer will be required to enter into a Section 278 Agreement under the Highway Act 1980 with the Council, which will be conditioned. The works will also need to be designed and constructed in



	accordance with the Council's highway design standards and would be subject to a full Road Safety Audit.
5.12	As the internal road would be designated as a 'Home Zone' appropriate design features must be incorporated in line with Manual for Streets and a speed limit of 20mph implemented. These requirements would form part of the Section 278 Agreement.
5.13	The proposed new footpath is also acceptable. In addition to the existing public footpath to the northern periphery of the site, this proposed new footpath will provide for public access to the southern end of the site, thus providing two routes of pedestrian access between the A4046 and Cemetery Road. A condition requiring implementation of the footpath prior to occupation of any of the dwellings would be imposed to ensure the development maintains sustainable links between Cemetery Road and the A4046.
5.14	Subject to conditions, the development is compliant with LDP Policy DM1(3).
5.15	<p><u>Ground Conditions</u></p> <p>Whilst The Coal Authority have confirmed that the site is in a low risk area, the Council's Geotechnical Engineer has advised that the submitted report recommends an intrusive investigation to ascertain the presence and depth of shallow mine workings beneath the site and to inform any future foundation design for the site. As such, a suitably worded condition will be imposed.</p>
5.16	The Environmental Health Officer has confirmed that the land is overlain with made ground associated with historical industries in the area. As such, he has requested that the standard land contamination condition is imposed.
5.17	Subject to the aforementioned conditions, the development has due regard to LDP Policies DM1(2)i and j.
5.18	<p><u>Drainage</u></p> <p>The development will 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 inform the applicant of their duty to apply for SuDS through the SAB.</p>
5.19	Welsh Water have confirmed that capacity exists within the public sewerage network to receive foul only flows from the proposed development. To ensure adequate drainage is proposed for the site in line with current standards, a condition can be added requiring details of foul drainage.

<p>5.20</p>	<p><u>Neighbour Amenity</u> Given that the nearest properties (Cae Melyn bungalows) are in excess of 28m from the site and are at oblique angles to the site, I am satisfied that the development will not give rise to any detrimental impact upon neighbouring amenity in terms of overlooking, overbearing and overshadowing. Nevertheless, layout and design of the dwellings are reserved for future consideration and will therefore be considered at a later date.</p>
<p>5.21</p>	<p>In considering the impact upon the future occupiers of the site, the Environmental Health Officer has advised that conditions in relation to noise should be imposed to ensure any habitable rooms within the proposed dwellings and any external living areas are not exposed to excessive road traffic noise levels.</p>
<p>5.22</p>	<p>A construction management plan (CEMP) will also be required to ensure that adequate provision is made to deal with dust, noise and construction hours etc during the construction period.</p>
<p>5.23</p>	<p>Subject to appropriately worded conditions, the development has due regard to LDP Policy DM1(2)c.</p>
<p>5.24</p>	<p><u>Planning Obligations</u> Policy DM7 of the adopted LDP requires that where there is evidence of need the Council will seek 10% affordable housing (subject to viability) on all sites that:</p> <ul style="list-style-type: none"> <li>- Contain 10 or more dwellings; or</li> <li>- Exceed 0.28ha in gross site area; or</li> <li>- Exceed the thresholds in (a) or (b) above for adjacent sites.</li> </ul>
<p>5.25</p>	<p>Policy DM3 requires, (subject to viability), that new development meets the infrastructure needs that it generates, including the improvement of provision of infrastructure, services and community facilities. In this respect the Education Directorate have not requested any financial contribution.</p>
<p>5.26</p>	<p>Policy DM12 further requires that where there is a quantitative deficiency in outdoor sport and play facilities, such provision will be sought in conjunction with all new residential developments of 10 units or more, based on a minimum of 2.4 hectares of recreational open space per 1000 projected population. The Leisure and Services Manager has confirmed that having reviewed the council's play provision there is no requirement to create new static play area sites at this time but they are looking to invest in existing play provision. As</p>

	<p>such, a financial contribution of £45,600 would be required (in line with the Planning Obligations SPG) to upgrade/refurbish play provision within the ward, including Letchworth Road Play Area.</p>
5.27	<p>In considering such policy requirements regard must be given to the further advice on Planning Obligations contained in the Council's Planning Obligations SPG 2011 (which currently enjoys interim policy status). The SPG acknowledges that the ability of smaller scale developments to absorb the high development costs typical in this area (due to issues such as mining legacy, contamination and the costs of planning obligations) and return a reasonable profit can be somewhat unreasonable and unrealistic. Consequently, there is provision within the SPG to allow a developer who contends that the planning obligations associated with a scheme are too onerous and would potentially render a development scheme unviable to submit a financial assessment of the costs and anticipated profits of the scheme based on evidence in accordance with a prescribed procedure.</p>
5.28	<p>In this instance, the developer has challenged the ability of the development scheme to deliver the planning obligations requested on the grounds of viability and the agent has submitted a financial appraisal in support of the application. The information has been assessed by The Planning Policy Team and found to be an accurate representation of the development costs for the site. Based on this information it has been concluded that the site would be unviable. Consequently, the viability of the site could not sustain provision of affordable housing nor payment of financial contributions towards Leisure needs.</p>
5.29	<p>Members will appreciate that in such circumstances the Authority must determine whether it is prepared to approve the application without such provision and contributions towards service needs.</p>
5.30	<p>In making this balanced decision, I am of the opinion that weight should be afforded to the wider regeneration benefits that would be derived from seeing this allocated housing site being developed. The construction of 13 new dwellings on this site would make a positive contribution towards the LDP's wider objectives of promoting the reuse of under used land and delivering regeneration schemes which provide new residential development in the area. There are also the prospects of employment opportunities and local supply chain benefits.</p>
5.31	<p>Conversely, it must be acknowledged that if this development is approved without the financial contribution, the potential opportunities to refurbish and upgrade outdoor play facilities in the ward would be lost. Furthermore, the</p>

5.32	<p>development would fail to provide 10% affordable housing units which would equate to 1.3 houses (1 affordable unit plus a financial contribution).</p> <p>Based on the fact that the agent has demonstrated that there is insufficient viability in the scheme to fulfil the planning obligations identified, and that the Policy team agree with the assessment, I have not included a requirement for the applicants to enter a Section 106 Agreement in my recommendation.</p>
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## 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>

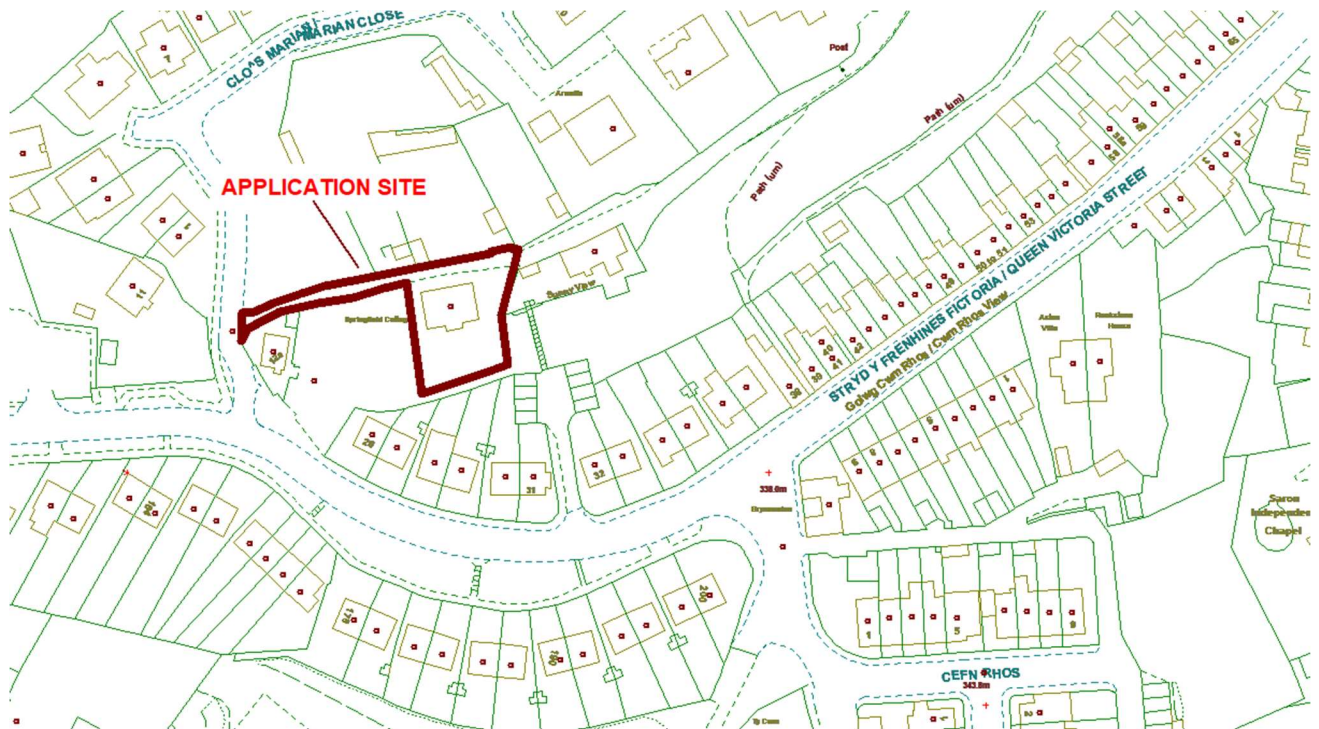
## 7. Conclusion and Recommendation

7.1	<p><u>Conclusion</u></p>
7.2	<p>The development will deliver 13 houses on an allocated housing site and will assist in delivering the housing target under LDP Policy SP5 and MU1.</p>
7.3	<p>Whilst the proposed development fails to deliver any planning obligations in terms of affordable housing or leisure contributions, evidence has been submitted in accordance with SPG guidance, which has demonstrated that requiring such contributions would jeopardise the financial viability of the proposed development.</p>
7.4	<p>In conclusion, the proposed development is considered to be acceptable in land use terms and the scale of the dwellings would not have an unacceptable impact upon the character and appearance of the surrounding area nor have an adverse impact upon the neighbouring amenity. The proposed access is also considered acceptable subject to conditions.</p>
7.5	<p>It is considered that the development proposal is acceptable subject to conditions and complies with relevant policies contained within the LDP.</p>

<p>7.6</p>	<p>Accordingly, my recommendation is that planning permission be <b><u>GRANTED</u></b> subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Standard Time Limit for submission of reserved matters</li> <li>2. Condition requiring details of appearance, landscaping and layout (reserved matters) prior to development;</li> <li>3. Approved Plans list</li> <li>4. Condition requiring submission of Design Brief prior to submission of any reserved matters applications;</li> <li>5. Requirement for all reserved matters application to comply with design brief and to provide confirmation as such;</li> <li>6. Submission of foul drainage scheme</li> <li>7. Standard Land contamination condition</li> <li>8. Submission of sections, walls, fences and other enclosures and minor structures</li> <li>9. Parking to be provided in accordance with SPG;</li> <li>10. Developer to enter into S278 Agreement to complete junction configuration;</li> <li>11. New Footpath to be fully constructed prior to occupation of first dwelling;</li> <li>12. External Lighting Strategy in accordance with Guidance Note 08/18 Bats and Artificial Lighting in the UK</li> <li>13. Compliance with Ecological Assessment</li> <li>14. Landscape Ecological Management Plan</li> <li>15. construction and environmental management plan (detailing means of noise and dust mitigation and construction hours) prior to commencement of the development.</li> <li>16. Submission of a scheme for sound insulation and ventilation measures for any habitable rooms that would be exposed to external road traffic noise in excess of parameters.</li> <li>17. Submission of a scheme of noise mitigation for outdoor living areas exposed to road traffic noise in excess of parameters.</li> </ol> <p><u>Informatives</u></p> <ol style="list-style-type: none"> <li>1. SAB advisory</li> <li>2. Protection of wildlife</li> </ol>
<p><b>8. Risk Implications</b></p>	
<p>8.1</p>	<p><b>None.</b></p>

## Planning Report

<b>Application No:</b> C/2022/0301	<b>App Type:</b> Full
<b>Applicant:</b> Mr Crieg Jones Springfield Cottage Queen Victoria Street Tredegar NP22 3QA	<b>Agent:</b> Mr Adrian Drew 14 Thornhill Close Brynmawr NP23 4SA
<b>Site Address:</b> Springfield Cottage, Queen Victoria Street, Tredegar, NP22 3QA	
<b>Development:</b> Retain bungalow and parking area and modified access	
<b>Case Officer:</b> Jane Engel	



## 1. Background, Development and Site Context

1.1 Outline planning permission (with all matters reserved) was granted in January 2017 for two houses on land to the rear of Queen Victoria Street Tredegar (C/2016/0153 refers). Indicative plans illustrated that the vehicular access to both plots was via a shared driveway from Queen Victoria Street. A subsequent full application (C/2018/0125) was received for a dwelling on land identified as plot 2 on the earlier outline, the vehicular access to which crossed over the plot identified as plot 1.

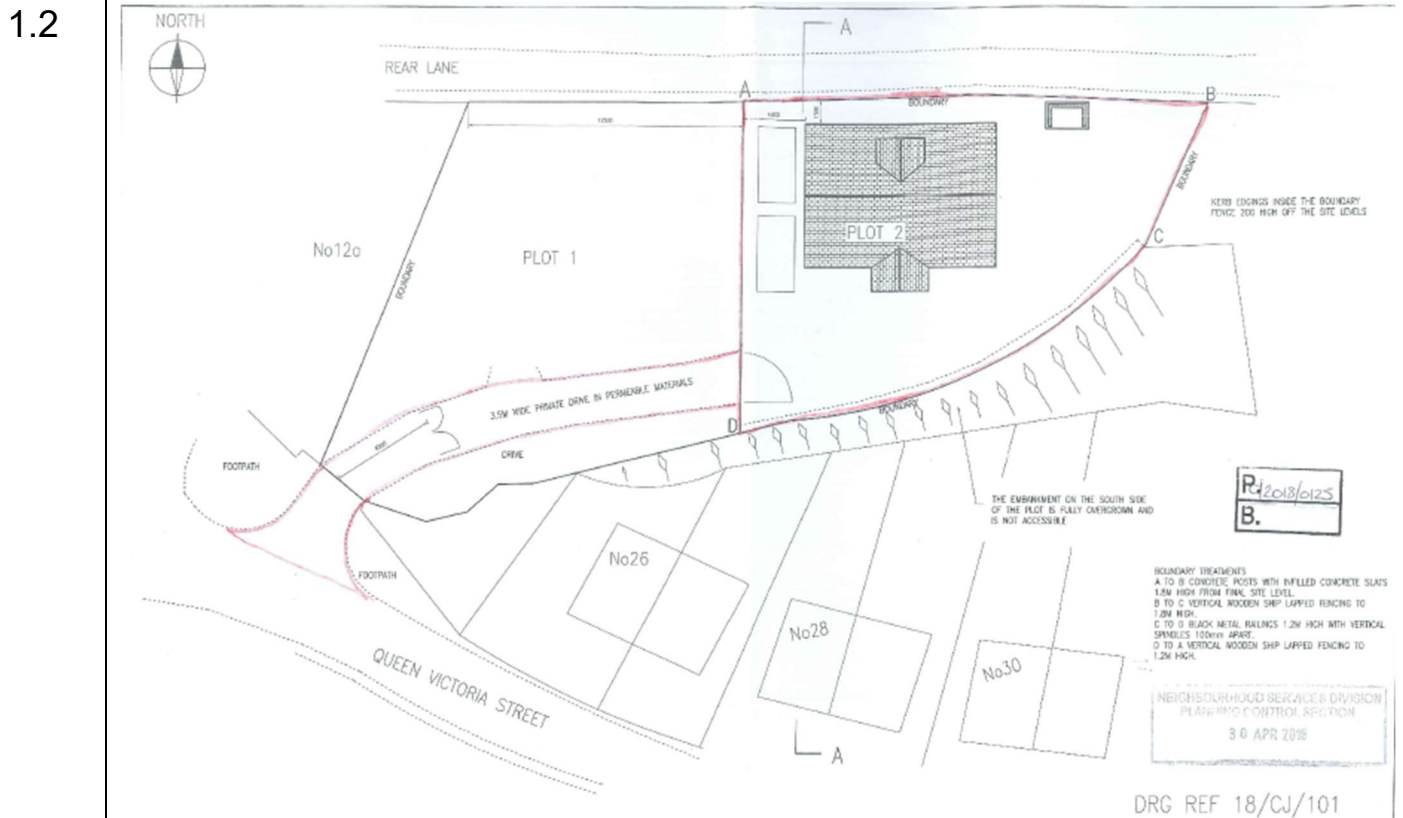


Fig 1: Site Layout approved on 2018 application showing access via plot 1.

1.3 The application was accompanied by a certificate A which confirmed that the applicant owned all the land within the application red line boundary.

1.4 This bungalow was constructed and occupied however the vehicular access was not constructed as approved. Conditions relating to the access and ground conditions attached to the permission were also not discharged prior to occupation.

1.5 The applicant subsequently submitted an application to discharge the access condition. However, it was found that the driveway as constructed lay outside the approved application site.

1.5 Given that the conditions relating to ground conditions had also not been discharged and these conditions were considered to go to the heart of the permission the applicant was advised he would need to submit an application to retain the development as a whole.

1.6 A subsequent planning application (C/2021/0343) to retain the bungalow and provide an amended access route over plot 1 was approved in March of this year and again certificate A was provided with the application.



1.8 However, it is now understood that the land over which the approved access crosses is not within the ownership of the application. Albeit, it is understood that there is a right of vehicular access over plot one. The deeds state:

1.9 “the rights at all times and for all purposes with or without vehicles to pass or repass over and along the land coloured pink on the plan annexed hereto subject to the transferees erecting a suitable roadway over that land”.

1.10 There is no plan attached to the deeds so the exact route of the right of access is unclear.



1.11 Consequently, the current application now seeks to retain the bungalow as built but with a modified vehicular access over the rear lane which is accessed from Marian Close to the west.

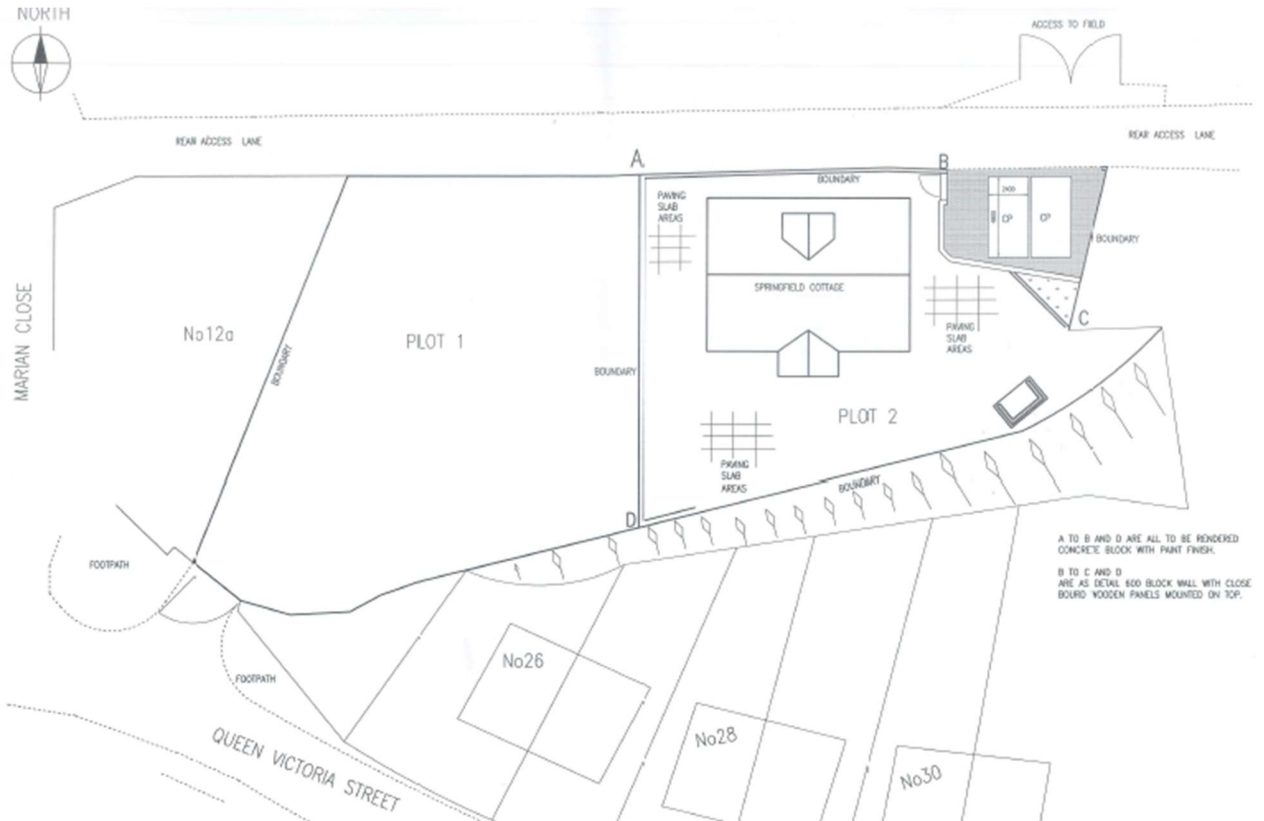


Fig 3: Proposed Site Layout as part of this application

1.12 The site is in an elevated position, located behind numbers 26-31 Queen Victoria Street.

1.13 The bungalow as constructed is a 3-bed dormer style bungalow and the plans indicate that two off street parking spaces are to be provided to the east of the property with access from the rear lane. The parking area will be finished in compressed chippings and bound by a 600mm high wall with 1m fence above.

1.14 The ownership of this rear lane is unknown and the application was accompanied by a certificate C which confirmed that the application was advertised in the local press.

1.15 The design of the bungalow correlates with that approved under C/2021/0343

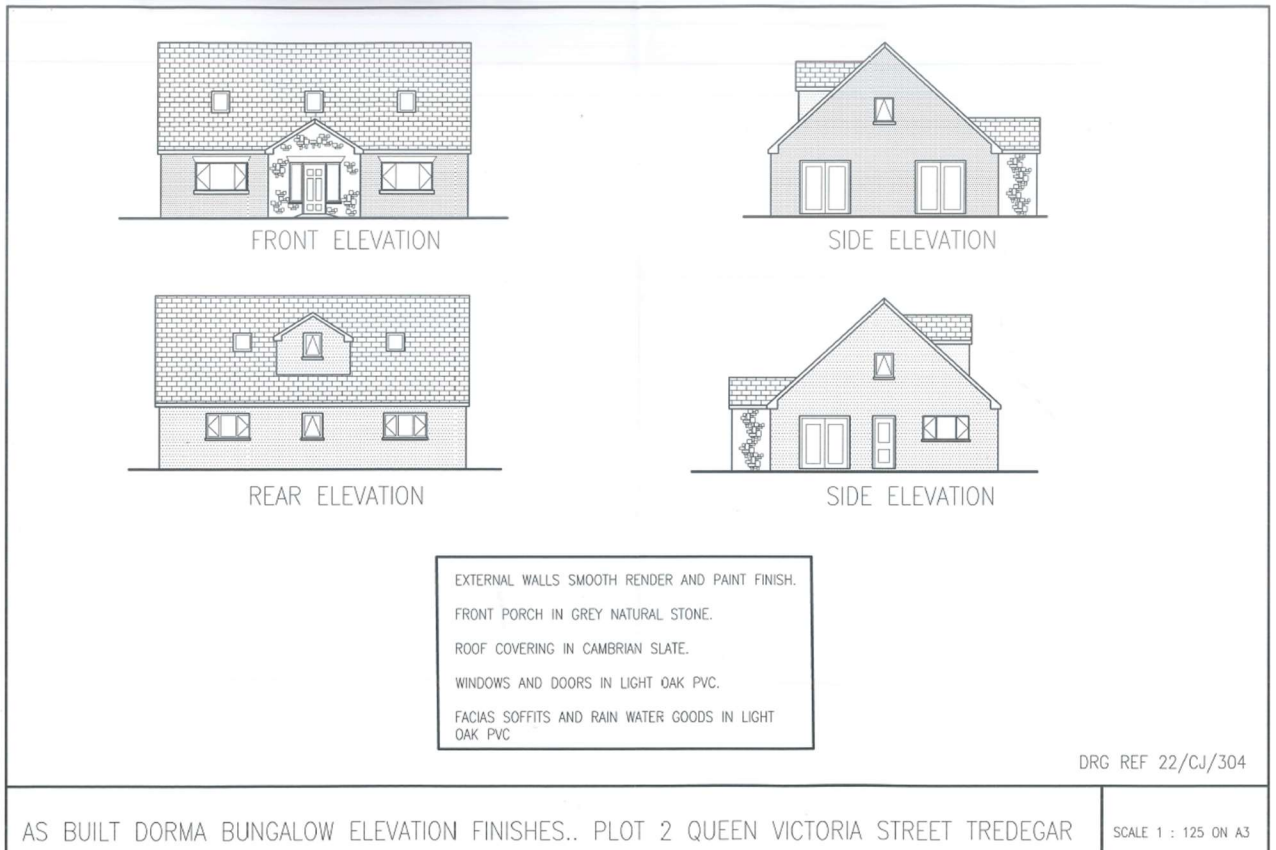


Fig 4: Elevations of the dwelling

## 2. Site History

	Ref No	Details	Decision
2.1	C/2021/0343	Retention of bungalow as built with access	Approved 23/3/2022
2.2	C/2018/0125	Construction of dormer bungalow	Approved 11/9/2018
2.3	C/2016/0153	Outline planning for 2 houses	Approved 13/01/2017

## 3. Consultation and Other Relevant Information

3.1	<b><u>Internal BG Responses</u></b>
3.2	<b><u>Team Leader Building Control:</u></b> Building Regulations Required
3.3	<b><u>Service Manager Infrastructure:</u></b>
3.4	Highways:
3.5	Confirms that the access lane is not a publicly maintained highway. Advise that the access to the dwelling would be from a predominantly single width, unmetalled road with no dedicated pedestrian footways, Due to its narrow width there are limited if any opportunities for pedestrians to seek refuge. The

	application would result in a material increase risk of conflict between road users.
3.6	It must also be noted that the existing access junctions to the lane, via Marian Close, does not meet minimum junction design visibility requirements, (2.4m x 43m – reference Manual for Streets), and is also not wide enough to accommodate opposing two-way traffic movements. Approval of this application would add traffic movements via a sub-standard junction.
3.7	It is the highway authority’s opinion that this application does not accord with Policy DM 1 ( 3 a, b, c or d). In view of this information the highway authority recommends this application be refused on highway safety grounds.
3.8	Drainage: No objection. However, the developer will need to gain SuDS approval.
3.9	Rights of Way:
3.10	Confirmed the land is not a Right of Way
3.11	<u>Service Manager Public Protection:</u>
3.12	No objection, but would advise that provisions are made for the charging of electric vehicles
3.13	<u>Head of Estates and Strategic Asset Management:</u>
3.14	Confirmed that the lane is not in council ownership
3.15	<b><u>External Consultation Responses</u></b>
3.16	<u>Town / Community Council:</u>
3.17	No observations Council chose to reserve their decision
3.18	<u>Welsh Water:</u>
3.19	No response
3.20	<u>Western Power:</u>
3.21	Identify apparatus in the vicinity
3.22	<u>W&amp;W Utilities:</u>
3.23	Wales & West Utilities have no planning objections to these proposals, and should the planning application be approved, then they require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.
3.24	<u>Coal Authority:</u>

3.25	No objections
3.26	<b><u>Public Consultation:</u></b>
3.27	<ul style="list-style-type: none"> <li>• 14 letters to nearby houses</li> <li>• website public register of applications</li> <li>• ward members by letter</li> <li>• all members via weekly list of applications received</li> </ul>
3.28	<u>Response:</u>
3.29	One letter of objection has been received objecting to the use of the rear lane as an access. The email refers to the earlier approval for two houses and the proposed access from Queen Victoria Street. It alleges that damage was done to their rear brick wall during works to Springfield Bungalow.
3.30	Ward Members were advised of the intention to refuse the application under delegated powers. However, a request was received for the application to be reported to planning committee given the complexity of the situation relating to the use of the lane as an access.

#### **4. Planning Policy**

4.1	<u>LDP Policies:</u> SB1 Settlement boundary DM1 New development DM2 Design and Placemaking
4.2	<u>Supplementary Planning Guidance</u> Access, Car Parking and Design (March 2014)
4.3	<u>PPW &amp; TANs:</u> Planning Policy Wales Edition 11 (February 2021) Future Wales The National Plan 2040
4.4	Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.

#### **5. Planning Assessment**

5.1	<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. The specific purpose of Future Wales is to ensure the planning system at all levels is consistent with, and supports the delivery of, Welsh Government strategic aims and policies. The relevant policy in relation to this development is Policy 1. Policy 1 promotes continued growth and regeneration in the area. Being mindful of the location of the proposal, the application is considered compliant with this policy.</p>
5.2	<p>The site lies within the settlement boundary as defined by policy SB1 of the adopted Local Development Plan. The principle of residential development on this site has been firmly established by previous permissions, with the latest extant permission being approved in March 2022.</p>
5.3	<p>The bungalow has been built and is comfortably accommodated on the site with adequate parking and amenity space. Its position is such that it does not adversely impact the residential amenity of surrounding properties by virtue of loss of privacy, overshadowing or overbearing impact.</p>
5.4	<p>The appearance and scale of the bungalow and associated impact on neighbouring amenity has previously been considered acceptable under the previous approvals and remains acceptable and compliance with LPD Policies DM1 and DM2.</p>
5.5	<p>The main consideration of this application is the provision of a primary access to serve the dwelling via the rear lane in lieu of the formerly approved access via Plot 1.</p>
5.6	<p><u>Highway Matters</u></p>
5.7	<p>The principle vehicular access to the site would be off the rear lane. This lane is restricted in width (ranging between approximately 2.4m-3.7m wide) and has no provision for pedestrians. The Team Manager – Built Environment has advised that the use of this lane for additional traffic movement is not acceptable to the Highway Authority. There are no dedicated pedestrian footways and there are limited (if any) opportunities for pedestrians to seek refuge from oncoming vehicles. There are also limited opportunities for vehicles to pass, which would give rise to reversing movements especially for larger service and delivery vehicles. The application would result in a material risk of conflict between road users and pedestrian.</p>

5.8



Fig 5 & 6: Views of the access lane

5.9

It is also noted that the existing access junctions to the lane via Marian Close do not meet minimum junction design visibility requirements of 2.4m x 43m as set out in the Manual for Streets. It is not wide enough to accommodate opposing two-way traffic movements.

5.10



Fig 7 & 8: Views of the junction at Marian Close

5.11

The Highway Manager has also advised that whilst shared access roads are promoted in Manual for Streets, such solutions should be proposed as a fully worked up and comprehensive scheme. Neither the Council or the applicants own or control land that would be required to widen and upgrade the access lane to be able to provide a suitable footway and a widened carriageway that would comply with the design guidance of Manual for Streets.

5.12

The plans propose two car parking spaces for the development. The Highways Manager has advised that three spaces are required for the proposal. However, he is satisfied that there is sufficient space to accommodate the additional parking space within the site.

5.13	Nevertheless, it is noted that the vision splays for drivers leaving the driveway are impeded by the existing boundary walls for the application site and the neighbouring property.
5.14	Having considered the above, Members should note that the proposed rear vehicular access to the site is of restricted width and has no footway provision. It is considered that the use of this land as a principal access will result in a material increased risk of conflict between road users. There are sections of road where the lane is so narrow that safe, shared passage between vehicles and vulnerable road users cannot be satisfactorily achieved. There are also no facilities for vehicles to be able to turn along the lane. Furthermore, the applicant does not own or control the land that would be required to facilitate the upgrade works required.
5.15	As such, the use of the lane as a primary means of access to serve the development would be detrimental to the highway safety and free-flow of vehicular and pedestrian traffic in this location, contrary to LDP Policies DM1 (3 a,b,c or d).
5.16	<u>Ground Conditions</u>
5.17	The site is identified as being within a Coal Mining High Risk Area. The Coal Authority have confirmed that they have no objections to the application.
5.18	<u>Drainage</u>
5.19	No response has been received from Welsh Water however in their responses to earlier applications they have confirmed that there is capacity in the public sewerage system to receive domestic foul only flows from the site. The Council's drainage engineer has advised that the development will require SAB approval for the disposal of surface water.
5.20	<u>Contamination</u>
5.21	The application was accompanied by a geo environmental letter report and Environmental Health have advised that that they have no concerns in relation to contamination on the site. However, they advise that provisions for electric charging of vehicles be made at the property. Should the application be approved, an advisory note would be added.
5.22	<u>Boundary Treatments/Landscape</u>
5.23	The property has been enclosed by a combination of a block wall to the rear and sides and a stained close boarded timber fence to the front. The plans propose that the wall will be rendered and painted to match the house. Once rendered and painted I consider the wall to be acceptable from a visual impact perspective. The timber fencing provides a boundary between the front garden

<p>5.24 5.25</p>	<p>and the properties to the front. It is screened from the road by a belt of planting which is in the ownership of the applicant.</p> <p><u>Other matters</u></p> <p>The objector has alleged that damage has been caused to their property during works to Springfield Bungalow. Such issues are a civil matter between the parties involved and not material to the consideration of this planning application.</p>
<p><b>6. Legislative Obligations</b></p>	
<p>6.1  6.2</p>	<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> <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>
<p><b>7. Conclusion and Recommendation</b></p>	
<p>7.1</p>	<p>Having regard to the above, the development is considered detrimental to highway safety and contrary to policy DM1 3 a,b,c &amp; d of the Local Development Plan and I therefore recommend for refusal.</p> <p>Members should note that if the application is refused then the matter will be passed to the enforcement team for possible action. The property would also be without an approved vehicular access, unless the owner of the land over which the approved access crosses (via plot 1) allows passage.</p> <p>However, should Members approve the application contrary to my recommendation, it would not only set a precedent for allowing the use of substandard vehicular accesses, but would jeopardise the highway safety of both vehicular and pedestrian users.</p> <p>I therefore recommend Planning permission be <b><u>REFUSED</u></b> for the following reason:</p> <p>Access to the site for residential development would add traffic movements to a highway that is considered to be sub-standard in design for both vehicles and</p>



	pedestrians alike and is unviable as a primary access to serve the dwelling. Consequently, the development fails to have due regard to highway safety contrary to the Adopted Local Development Plan (2012) Policies DM1(3)a and c.
<b>8. Risk Implications</b>	
8.1	Granting planning permission contrary to the recommendation of this report undermines the principles of the adopted LDP policies and Supplementary Planning Guidance. Such a decision would demonstrate an inconsistent approach in the planning process and sets a precedent for the use of substandard vehicular accesses.