

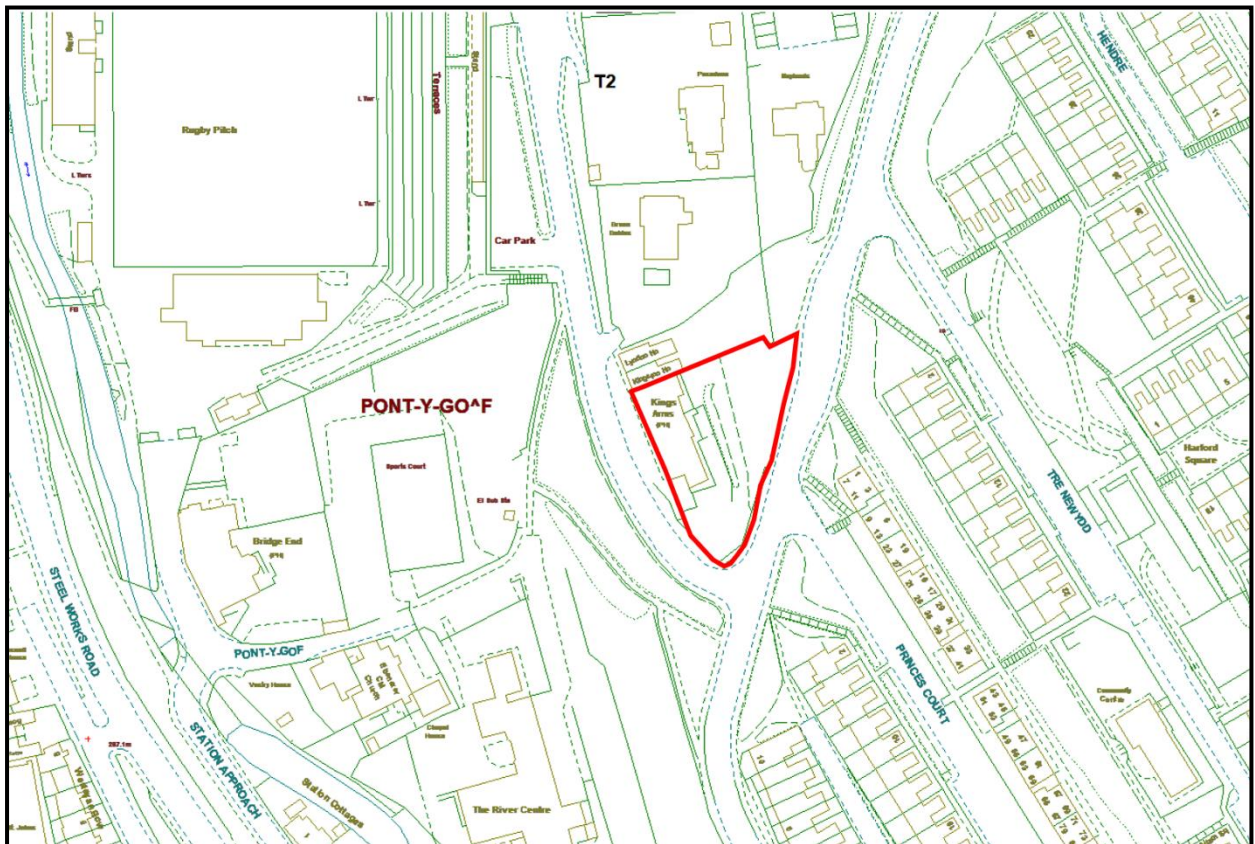
BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning, Regulatory and General Licensing
Report Subject	Planning Applications Report
Report Author	Team Manager Development Management
Report Date	4th April 2023
Directorate	Regeneration & Community Services
Date of meeting	20th April 2023

Report Information Summary

1. Purpose of Report	
To present planning applications for consideration and determination by Members of the Planning Committee.	
2. Scope of the Report	
Application No.	Address
C/2023/0004	The Kings Arms, Newchurch Road, Ebbw Vale NP23 5BD
C/2023/0012	Units 2 & 3A (Home Bargains & Peacocks) Lakeside Retail Park Nantyglo Brynmawr NP23 4SL
C/2022/0309	Land To The South Of Fair View, Ashvale, Tredegar
C/2022/0117	The Willows Club, Church Street, Tredegar, NP22 3DS
C/2023/0055	74A & Caleb Cottage, King Street, Brynmawr, NP23 4RG
3. Recommendation/s for Consideration	
Please refer to individual reports	

Planning Report

Application No: C/2023/0004	App Type: Full
Applicant: Mr Saad Taha 43 Merthyr Road Pontypridd CF37 4DD	Agent: Plans Drawn Mr Anthony Collins 21 Park Place Pontmorlais CF47 0DJ
Site Address: The Kings Arms, Newchurch Road, Ebbw Vale NP23 5BD	
Development: Change of use of public house with letting bedrooms (A3) to Hotel (C1)	
Case Officer:	Helen Hinton



1. Background, Development and Site Context

- 1.1 This application seeks full planning permission for the conversion and change of use of The Kings Arms, Newchurch Road, Ebbw Vale to create a 14-bedroom hotel (C1).



Image 1- Street view image of application site from Newchurch Road with adjoining dwellings finished with buff coloured render.

- 1.2 Based on the planning history and an internal inspection, it is apparent that the property is an established public house with ancillary letting rooms and residential (owner/ manager accommodation). 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 predominant use is deemed to fall within the A3 (Food and Drink) use class with the proposed deemed to be a C1 Hotel use class. As there is no permitted change from an A3 to C1 use, the change of use and conversion proposed requires planning permission.
- 1.3 The plans submitted detail the ground floor would provide a reception, bar, sitting area, 5 ensuite bedrooms plus two sets of male and female toilets. The first floor would accommodate 7 ensuite bedrooms with 2 further ensuite bedrooms at second floor level. With the exception of two windows to be inserted in the eastern (rear) elevation, to serve bedrooms two and three, no alterations are proposed to the existing footprint or external elevations of the building. The proposed site layout plan details the provision of a 14 space car parking area to the east (rear) of the building, with the land engineered accordingly.

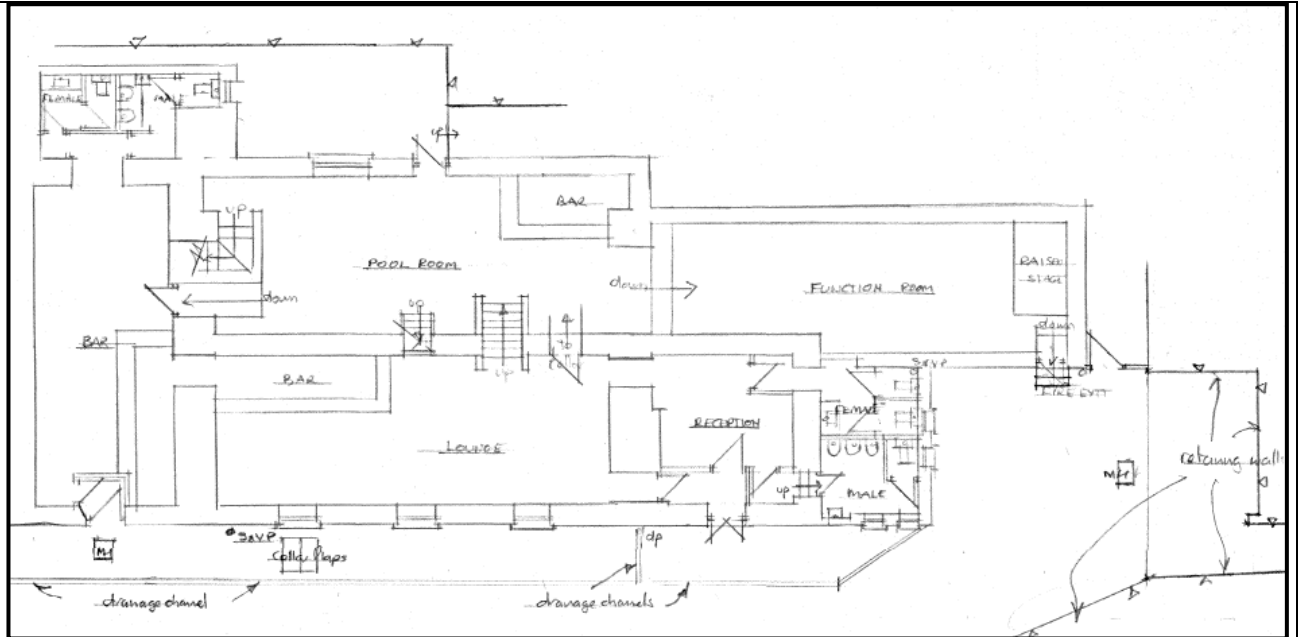


Image 2- Existing ground floor plan

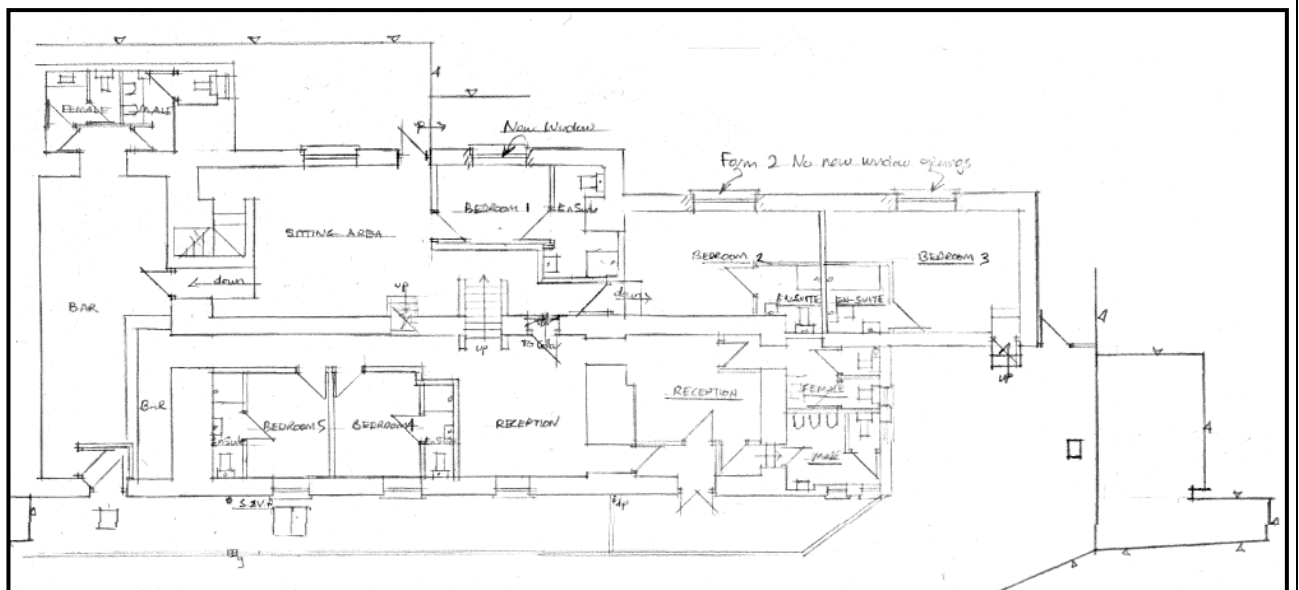


Image 2- Proposed ground floor plan

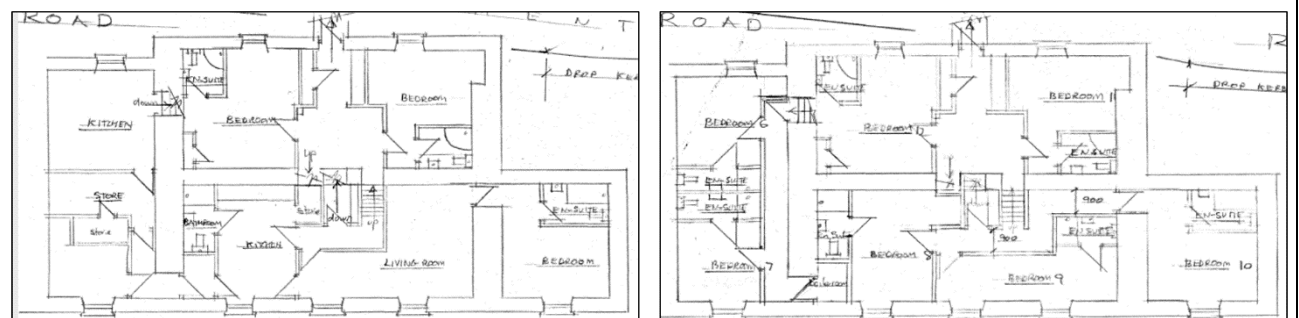


Image 3- Existing and proposed first floor plans

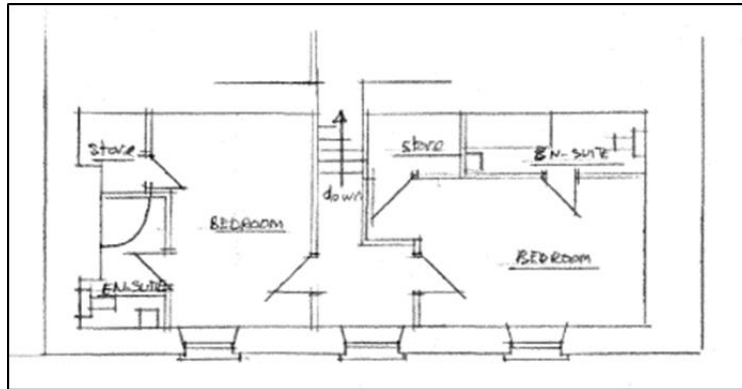
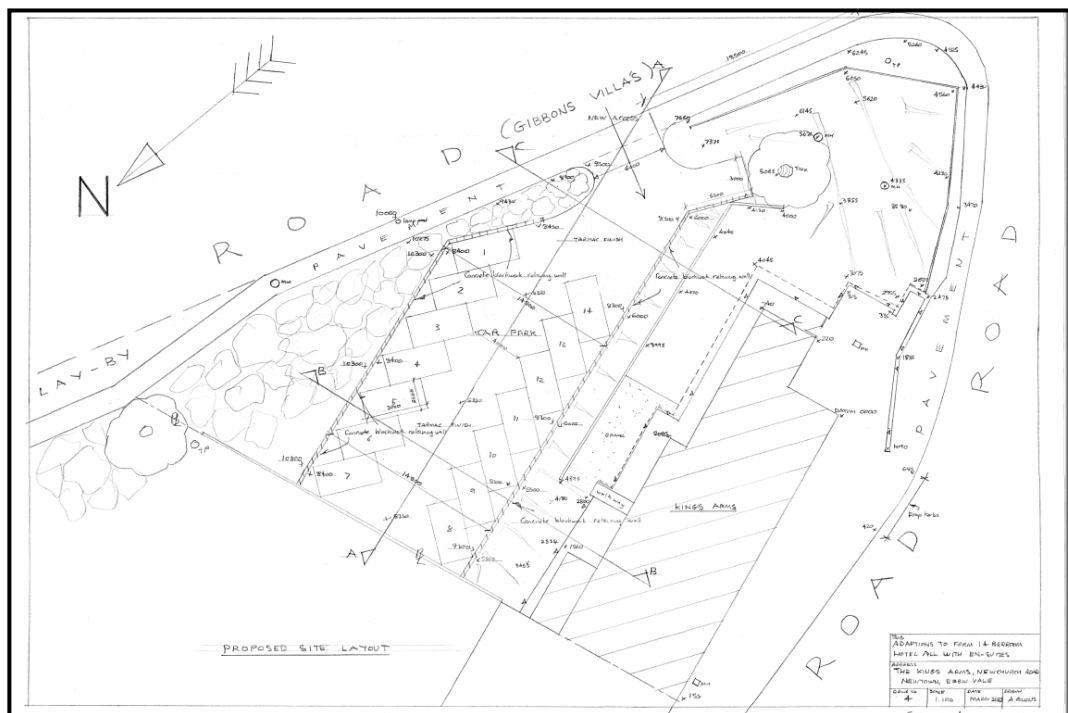


Image 4- Existing and proposed second floor plan



Image 5- Street view image of land to the rear of the building.



1.4	<p>Image 6- proposed site layout plan.</p> <p>The application site comprises a large, semi-detached, three storey, dressed stone faced building positioned on the eastern side of Newchurch Road Ebbw Vale. The property has been the subject of a number of extensions and alterations, which adjoin the eastern (rear) and south (side). The building is street fronted and positioned on the western side of a wedge shaped plot with an area of open space provided to the east (rear) and south (side) of the building, which is raised relative to the ground floor level. Gibbons Villas Road adjoins the eastern boundary of the site.</p>
1.5	<p>Whilst the building is not nationally listed, it is registered as a Building of Local Importance on the draft Blaenau Gwent Local List (ref BGLL147). The draft Local List notes that the building is a prominent landmark in the local streetscape and recommends that all features contributing to the external character and appearance of the building be protected.</p>
1.6	<p>The site as a whole is located within an established residential area within the development boundary of Ebbw Vale as defined by the proposals map of the Blaenau Gwent County Borough Council Local Development Plan (LDP).</p>
1.7	<p>The proposal is presented to Members as the application is considered to be of wider public interest due to the concerns raised by objectors.</p>

2. Site History

	Ref No	Details	Decision
2.1	C/2018/0244	Retrospective application for earthworks including retaining structures and fences	Approved 04/10/2018
2.2	C/2012/0221	Renewal of current planning approval for a private dwelling (Ref C/2007/0433)	Approved 08/10/2012
2.3	C/2007/0483	First floor fire escape	Approved 27/09/2007
2.4	C/2007/0433	Erection of Domestic dwelling (rear curtilage)	Approved 02/10/2007
2.4	9908	Change of use 1st floor, letting, extension/alterations	Approved 12/11/1992

3. Consultation and Other Relevant Information

3.1	<u>Internal BG Responses</u>
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3.2 Service Manager Infrastructure:
Highways:
No objection subject to conditions

3.3 Drainage:
SAB approval required.

3.4 **External Consultation Responses**

3.5 Western Power:
No apparatus within the vicinity of the site.

3.6 W&W Utilities:
Detail the position on apparatus in/ immediately adjacent to the site.

3.7 **Public Consultation:**

- 9 letters to nearby houses
- site notices
- website public register of applications
- ward members by letter
- all members via weekly list of applications received

3.8 Response:
6 letters of objection have been received and are summarised as follows:

- Concern that the property will become a hostel and the area will suffer as a consequence;
- The amount of rooms suggests a multi occupancy business not appropriate for the area.
- Concerns that the owner will be encouraged to accept not only visitors to the area but other people who are require emergency housing leading to criminal and antisocial behaviour and a detrimental social impact for local residents.
- The lounge area is being taken away to make room for more bedrooms. This leaves a very small bar area for residents to use if the rooms are double. That could be 28 people. Plus bar is to be open to non-residents.
- Can guarantees be given that “letting bedrooms” part of the change of use will not be used as part of a HMO.
- A building of this quality should be used for hospitality and tourism.
- Lack of parking provision.

	<ul style="list-style-type: none"> Concerns regarding the safety of the access to the main carpark entrance from the Newtown Hill. Cars almost never park on Newchurch Road. Work has commenced on the building.
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4. Planning Policy

4.1	<p><u>Team Manager Development Plans:</u></p> <p><u>LDP Policies:</u></p> <ul style="list-style-type: none"> SP1 – Northern Strategy Area – Sustainable Growth and Regeneration SP7 – Climate change SP10 – Protection and Enhancement of the Natural Environment SP11- Protection and Enhancement of the Built Environment DM1 New Development DM2 – Design and Placemaking DM14- Biodiversity Protection and Enhancement DM17 – Buildings of Local Importance SB1- Settlement Boundaries
4.2	<p>Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.</p>
4.3	<p><u>Supplementary Planning Guidance:</u> Access, Car Parking and Design (March 2014)</p>
4.4	<p><u>PPW & TANs:</u> Future Wales: The National Development Plan for Wales 2040 (February 2021) Planning Policy Wales Edition 11 (February 2021) Technical Advice Note 12: Design</p>

5. Planning Assessment

5.1	<p><u>Principle of development</u></p>
5.2	<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</p>

	<p>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>
5.3	<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 new commercial, retail, education, health, leisure and public services facilities should be located within town and city centres.</p>
5.4	<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 major in scale, the proposed use and location outside of Ebbw Vale town centre, could be considered contrary to policy 6. However, the existing commercial use of the premise, in conjunction with its inclusion of the draft Local List as a building of Local Importance, and its structural soundness which indicates that it is capable of accommodating a conversion and change of use without major alteration, are also material considerations in this instance.</p>
5.5	<p>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, under-utilised or vacant land and buildings is a consistent theme that runs through PPW.</p>
5.6	<p>In particular paragraph 5.5.4 of PPW advises: <i>“There will be scope to develop well-designed tourist facilities in urban areas, particularly if they help bring about regeneration of former industrial areas. The sensitive refurbishment and re-use of historic buildings also presents particular opportunities for tourism facilities in all areas.”</i></p>
5.7	<p>Being mindful of the inclusion of the building on the draft Local List and its potential designation of Locally Important status, the proposed use is considered compliant with the relevant section of PPW 11.</p>
5.8	<p>With regard to the Blaenau Gwent County Borough Council Local Development Plan (LDP), it is noted that the application site is located within the settlement boundary of Ebbw Vale as defined by the proposal map and Policy SB1. Development is generally permitted in such location subject to policies in the plan and other material considerations.</p>

5.9	<p>As specified above the property comprises a public house with approved letting rooms, located within an established residential area. Although it is not currently trading, as there has been no grant of planning permission, the A3 use remains extant and could be re-implemented without further reference to the Council. Being mindful that the use proposed would reduce the public bar area and function room facilities, it is considered that the use of the premise as a C1 Hotel, has potential to reduce noise and disruption to nearby residents and the proposal is therefore compatible with the surrounding residential uses.</p>
	<p><u>Neighbouring Amenity</u></p>
5.10	<p>Concerns with regard to the potential use of the building to provide either emergency and temporary accommodation or to be used as a house of</p>
5.11	<p>multiple occupancy and the associated potential for such uses to generate antisocial behaviour that could have a detrimental impact on neighbouring and wider social amenity, is the primary concern for objectors.</p>
5.12	<p>It is acknowledged that as a result of the site's location within an established residential area, there is potential that the use could generate noise and disturbance to those living closest to the site. However, the potential impact for this must be balanced against the fall back and extant use of the site as an A3 licenced premise. Whilst the concerns are acknowledged, the application must be considered on its own merits. If antisocial behaviour were to occur, this would be a matter for the staff/management of the property and any other bodies responsible for dealing with behaviour of this nature, such as the police.</p>
5.13	<p>Based on the plans submitted, it is noted that no self-catering or hot food catering facilities are proposed. Although a seating/ lounge area and bar are indicated, the limited amenities on offer infer that periods of accommodation would likely be shorter and transient in nature. The use of the building as a House of Multiple Accommodation (use Class C4) would require a further grant of planning permission.</p>
5.14	<p>Whilst an objector has questioned whether the accommodation could be limited by condition, presumably to prevent permanent or longer term occupation, in this instance, given the location of the site within an established residential area and the limited facilities proposed, it is considered that the condition would fail to meet the tests specified in legislation in terms of it being necessary; relevant to allow the development to be permitted and reasonable in all other respects.</p>

5.15	<p>Although there are residential properties surrounding the site, relative to the extant A3 use of the premise, it is considered that the proposed hotel use proposed, would not generate any increased disturbance or loss of amenity to existing residents and the application is considered compliant with the relevant criteria of LDP policy DM1.</p>
	<p><u>Character and appearance</u></p>
5.16	<p>Although not nationally listed the property is recognised as being of a building of local importance with the description identifying that the premise is a prominent landmark in the local streetscape and recommending that all features contributing to the external character and appearance of the building be protected. In this instance, with the exception of two new windows in the rear elevation, the change of use and works of conversion would take place within the existing fabric of the building.</p>
5.17	<p>Given the location of the new windows and the screening provided by the existing topography, it is considered that the proposal as a whole would not have a detrimental impact on the character and appearance of the building and by default has the potential to bring an underutilised building back into beneficial use, thereby preventing degradation and dilapidation. The proposal is therefore considered compliant with the relevant criteria of LDP policies SP1, SP7, SP11, DM1, DM2 and DM17.</p>
	<p><u>Highways</u></p>
5.18	<p>The adopted Access, Car Parking and Design SPG, specifies that developments of this nature must provide one parking space per bedroom created plus 1 space per 3 non-resident staff, although there is potential to reduce the parking requirement depending on sustainability scoring.</p>
5.19	<p>It is noted that the site is within 1km of Ebbw Vale town train station and 300m of a bus stop. Furthermore, it is noted that there is an unrestricted car park to the north-west of the building on the opposite side of Newchurch Road.</p>
5.20	<p>During the initial round of consultation, public objections were raised to the lack of proposed parking and the safety of the point of access onto Gibbons Villas Road. These concerns were echoed by the Council's Highways Manager who raised an objection to the proposal, noting that the scheme, that originally proposed the provision of 7 parking spaces would fail to provide sufficient off street car parking provision.</p>

5.23	Following review, the agent has submitted amended plans which detail the provision of 14 car parking spaces and an onsite turning head on the eastern side of the plot, to the rear of the building. Although the point of access would remain on Gibbons Villas road, 40m visibility splays could be provided either side of the access.
5.24	Following re-consultation with regards to the amended plans, the Council's Highways Manger has raised no objection to the proposal subject to the parking being provided prior to the first beneficial use of the building as a hotel.
5.25	Being mindful of the number of parking spaces proposed by the amended plans, the site's location relative to public transport nodes and the Highway Manger's comments, it is considered that the development proposed would not have a detrimental impact on the highway safety and free flow of traffic in the area and is compliant with the relevant requirements of LDP policy DM1.
5.26	<u>Ecology</u>
5.27	Details provided by the Local Environment Records Centre indicate there are red alert and category 1 species within the vicinity of the site. However, being mindful that the application does not propose any extension to footprint, fascias or roof of the building and there is limited connecting green infrastructure within the vicinity of the site, it is considered that the proposal would not detrimentally affect any species of conservation concern and additional surveys have not been sought.
5.28	However, in compliance with Welsh Government guidance, each application for planning permission must provide ecological enhancements opportunities, although these have not been specified on the plans, adequate provision could be secured by condition. In this instance, given the limited ecological value of the site, it is considered that the provision of enhanced planting within the garden area and installation of bat and bird boxes on the upper elevations of the building would be the most likely appropriate and suitable form of mitigation and enhancement
5.29	Subject to conditions to secure such enhancements, the application is considered compliant with the requirements of LDP policies SP10 and DM14.
5.30	<u>Drainage</u>
5.31	The property already benefits from a foul water connection to the main sewer. Whilst the additional foul water outflow can be accommodated, the provision of the hard surface parking area, to the rear of the building, which has an area

	in excess of 100sq.m, will require SAB consent. An informative regarding this matter could be added to any grant of consent.
5.32	<u>Other Matters</u>
5.33	Notwithstanding the acceptability of the application site to accommodate the proposal, the premise may also be the subject of separate registration and inspection requirements. National planning policy is clear in that local planning authorities must bear in mind that other legislation may also be relevant to certain matters and that the planning system should not conflict with or attempt to duplicate controls better regulated by other bodies under different consent regimes.
5.34	Although an objector has identified that works have commenced on the building, as the premise is not nationally listed, works of renovation, repair and to a certain extent, alteration can be undertaken without the benefit of planning permission, although this is done at the applicant's own risk.
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	On the basis of the above report, the proposed change of use of the A3 licensed premise to a C1 hotel is considered to be compatible with the neighbouring uses and is acceptable in land use terms. Moreover, relative to the extant use of the site, it is considered that the proposal would not result in any unacceptable impacts in terms of visual and residential amenity, parking and highway matters. The proposal is therefore considered to be in accordance with the relevant policies of the Blaenau Gwent County Borough Council Local Development plans and it is recommended that planning permission be GRANTED subject to the following condition(s):

7.2	<ol style="list-style-type: none">1. Time2. Approved plans3. Retaining wall details4. Parking to be provided prior to first beneficial use5. Landscape, boundary and ecological mitigation plan and details
8. Risk Implications	
8.1	None

Planning Report

Application No: C/2023/0012	App Type: Full
Applicant: Sarah Morley Unit 15 The Range Head Office Plymouth PL6 5ZD	Agent: Mr Mark Wood MWA 12 The Glenmore Centre Jessop Court Waterwells Business Park Gloucester, GL2 2AP
Site Address: Units 2 & 3A (Home Bargains & Peacocks) Lakeside Retail Park Nantyglo Brynmawr NP23 4SL	
Development: Installation of a mezzanine floor within Units 2 and 3A.	
Case Officer:	<u>Joanne White</u>



1. Background, Development and Site Context

- 1.1 This report will contain reference to four terms that are key to deciding this application. Below is a brief definition of each:
- 1.2
1. Convenience goods - the sale of food items e.g. groceries.
 2. Comparison goods - the sale of non-food items e.g. Household items, furniture, DIY, garden and pet products, stationery, household appliances etc.
 3. Quantitative need - is a way of calculating the need for future retail floorspace. It is based on forecasting of expenditure on a certain type of retail goods (comparison or convenience for example) over a period of time, which is then assessed against the current level of provision.
 4. Qualitative need - The need for an appropriate distribution and range of sites for retail stores which meets the needs of all communities.
- 1.3 Background
Outline planning permission was granted in June 2004 for the construction of A1 food and non-food retail units with an A3 family pub at the site now known

1.4	as Lakeside Retail Park. A Reserved Matters application was subsequently approved in August 2004.
1.5	The original outline permission has been varied over the years to change the operational restrictions and allow certain units to be sub-divided and adapted
1.6	Units 2 and 3A (former Home Bargains and Peacocks) were restricted to A1 uses (non-food), albeit Unit 2 also has permission to use a maximum of 30% of its net floorspace for the sale of pre-packaged food and drink products
1.7	The most recent variation, approved in 2022 allows for the sale of convenience (food) goods to units 2 and 3A. However, this permission has not been implemented.
1.8	Units 1-4 are restricted to an overall maximum of 3500sqm and a minimum of 465sqm gross internal floor area (GIA). It also prevents the subdivision into more than 7 individual retail units.
1.9	Separate permissions have also been granted for the installation of mezzanine floors to a number of units for both retail and storage purposes over the years. Albeit, it would appear that only unit 1B (Poundland) currently has an operational mezzanine.
1.10	The condition was imposed to protect the long-term vitality and viability of Brynmawr Town Centre.
1.11	<p><u>Proposal</u></p> <p>The applicant intends to merge units 2 and 3A to create one store and install a mezzanine floor covering 1,425m² (gross). The store will sell comparison (non-food) items plus there is provision within the existing extant permission for up to 30% of convenience (food) goods. The only element that requires planning permission in this scheme is the provision of a mezzanine floor for retail purposes. I understand the potential occupiers would be a national retailer.</p>
	<p>The existing floor area of the combined units at ground floor is 1,441m² of which 1,298m² would be for retail use. The proposed mezzanine floor would have a floor area of 1,425m² of which 1,205m² would be for the sale of goods. The remaining floor area would be used for offices, staff facilities and warehousing:</p>

1.12

SQM Area's	
Grd Floor Total Area -	1441 Sqm
Grd Floor Retail Area -	1298 Sqm
Mezz Floor Total Area-	1425 Sqm
Mezz Floor Retail Area -	1205 Sqm

The cumulative gross floor area would be 2,866m² with a total retail area of 2,503m² gross.

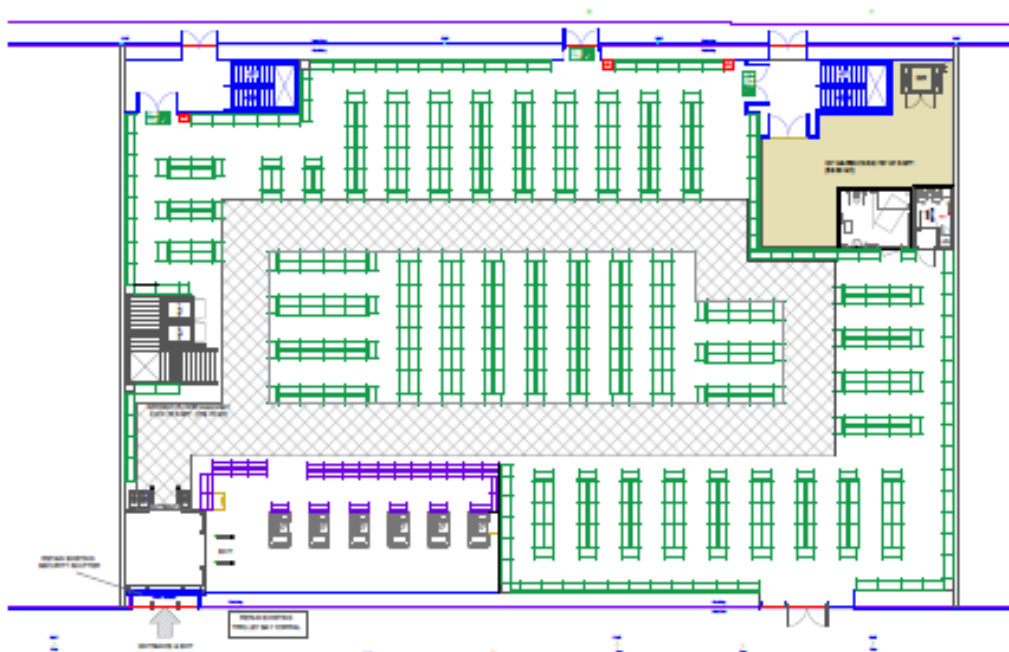


Fig 2 (above): Proposed Ground Floor layout

1.13

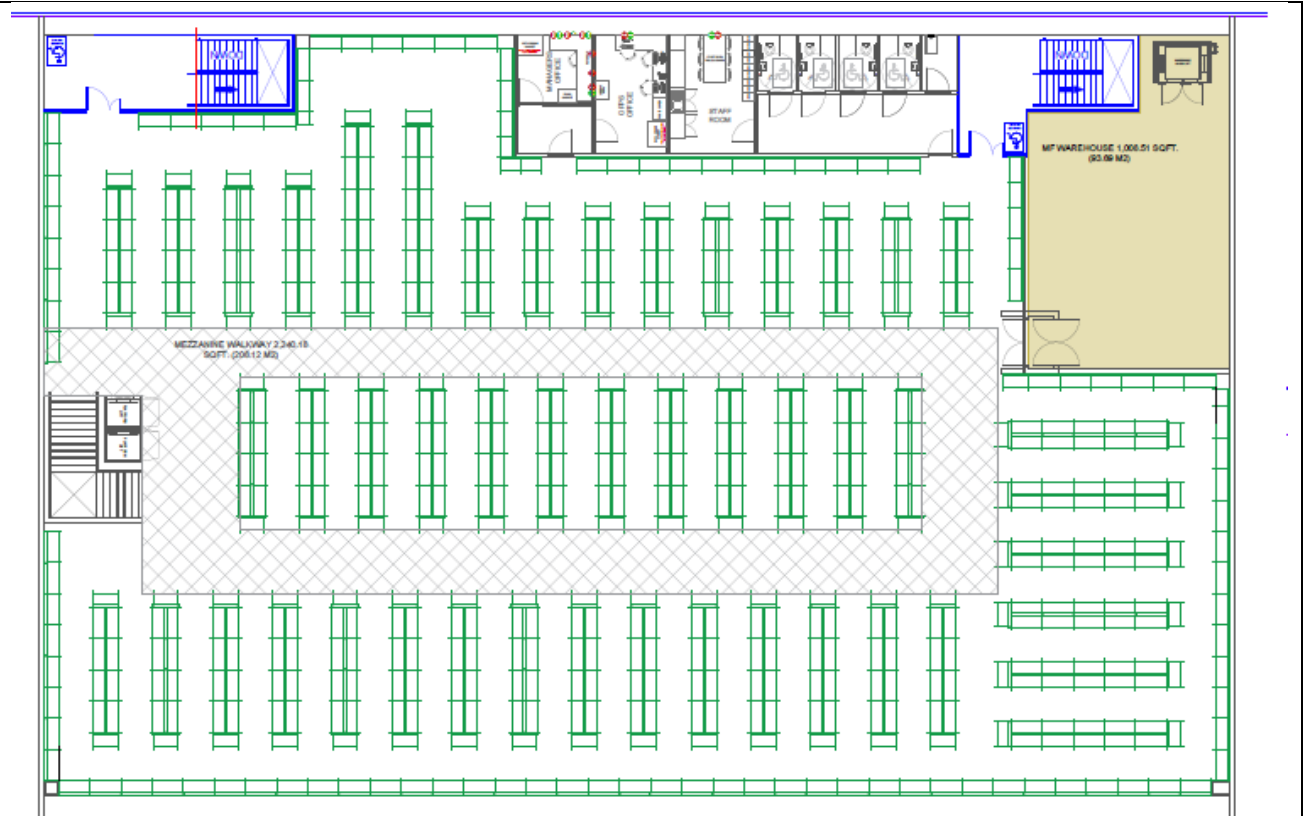


Fig 3 (above): Proposed First Floor layout (Mezzanine)

1.14



1.15

1.16

Fig 4 (above): Existing Site with two vacant units

1.17

No external alterations are proposed as part of this application and in any event would be subject to separate future application(s). There are also no changes in terms of parking spaces within the existing retail park and no alterations to delivery times etc.

1.18

For clarity, the supporting Planning and Retail Statement (herein referred to as the retail statement) specifies that the intended occupier (The Range) offers *“mid-price home and garden products, drawing together everything that could*

1.19

be needed for the home at 'affordable' prices. This all –encompassing product range is considered to be unique in the UK market and it is one that demands a large amount of retail space...”

Typical product lines include furniture and textiles, camping and bulky leisure goods, household and garden goods. The stores typically offer products such as, DIY and lighting, office supplies and pet products. Due to the bulky nature of goods sold, the company require large floor areas.

It is proposed that the store would create approximately 65 jobs.

Site Context

Lakeside Retail Park is a mixed use edge-of-centre development located approximately 300m to the south of Brynmawr Town Centre.

To the north of the retail park is the former NMC site, which has recently been developed to provide a mixed retail and restaurant scheme comprising of 4 units. Home Bargains relocated from Unit 2 Lakeside Retail Park to the new NMC site whilst the remaining units are occupied by Greggs, McDonalds and Lidl.

Lakeside Retail Park currently consists of the following components:

1.20

Unit 1A (465m2 Gross Internal Area 'GIA')	Farmfoods - sale of predominantly frozen food on the ground floor with no mezzanine floor
Unit 1B (465 sq.m GIA)	Poundland - a non-food discount variety store on ground with a mezzanine floor for retail.
Unit 2 (930 sq.m GIA)	Vacant – (Formerly Home Bargains) - non-food discount variety store on the ground floor only with no mezzanine floor.
Unit 3A (511 sq.m GIA):	Vacant (formerly Peacocks as a non-food clothing store on the ground floor only with no mezzanine floor).
Unit 3B (465 sq.m GIA)	Halfords - non-food store on the ground floor only with no mezzanine floor.
Unit 4A (273 sq.m GIA):	Card Factory - non-food store on the ground floor only with no mezzanine floor.

		NB.Permission previously granted for mezzanine
	Unit 4B (368 sq.m GIA)	Pets at Home - non-food store on the ground floor only with no mezzanine floor. NB.Permission previously granted for a Mezzanine for retail and/or pet care treatment (approved Jan 2017 C/2016/0355)
Asda is also located to the south-east corner of the Retail Park with The Willow Tree public house located to the south-west corner.		

2. Relevant Site History

	Ref No	Details	Decision
2.1	C/2004/0050	Construction of A1 food and non-food retail units and A3 family pub	Approved 17.6.04
2.2	C/2004/0357	Construction of A1 food and non-food retail units and A3 family pub (RM)	Approved 12.8.04
2.3	C/2005/0575	Variation of condition 17 re: 2004/0050 (unit 3A)	Approved 6.1.06
2.4	C/2005/0605	Construction of mezzanine for storage use (unit 3A)	Approved 6.1.06
2.5	C/2006/0519	Variation of condition 16 to enable an element of convenience goods retailing from unit 2	Approved 8.12.06
2.6	C/2007/0350	New shopfront and entrance door, relocation of rear door, installation of air conditioning with louvres on rear cladding and shopfit / fit out works (unit 3A)	Approved 4.7.07
2.7	C/2021/0345	Variation of Condition (regarding planning permission C/2006/0519), to enable an element of retailing convenience goods from the unit.	Approved 28.04.2022

3. Consultation and Other Relevant Information

3.1	<u>Internal BG Responses</u>
3.2	<u>Service Manager Infrastructure:</u> Highways: No objections subject to a condition requiring compliance with the recommendations of the submitted Travel Plan.

	<p><u>External Consultation Responses</u></p>
3.3	<p><u>Town / Community Council:</u></p>
3.4	<p>No objections. However, the town council anticipate that an increase in parking issues could arise as a result of the proposed store.</p>
	<p><u>Natural Resources Wales:</u></p>
3.5	<p>No objections. Given that the site drains to Cardiff Bay Welsh Water Treatment Plant, which is downstream from the sensitive riverine SAC, it will avoid additional phosphorus loading. The application can be screened out as it will not have a likely significant effect on the SAC.</p>
	<p><u>Welsh Water:</u></p>
3.6	<p>No objection. Confirmed that the site drains to Cardiff Bay Treatment Plant.</p>
3.7	<p>The premises are already connected to the main water and foul water drainage systems and there is no increase in the roof area of the building/or impermeable surfaces. Nevertheless, a condition is requested to ensure there will be no increase in surface water discharging directly or indirectly into the public sewerage system.</p>
3.8	<p><u>W&W Utilities:</u> No response</p>
3.9	<p><u>Public Consultation:</u></p> <ul style="list-style-type: none"> • 33 letters to nearby houses/businesses • 2 site notices • press notice • website public register of applications • ward members by letter • all members via weekly list of applications received
3.10	<p><u>Response:</u></p> <p>No responses from the public have been received. Two ward member comments have been received:</p>
3.11	<p>A Ward Member advised that whilst they have no objections to the development they would like to encourage more clothing retailers to the area and would prefer to support clothing retailers over others given the choice. They also queried what incentives are available, if any, to encourage such companies.</p>

3.12	Another Ward Member advised that they have no objections to the principle of a mezzanine floor but we need to consider how shoppers can be enticed to walk into the town centre also.
4. Planning Policy	
4.1	<p><u>Team Manager Development Plans:</u> Planning policy originally raised concerns with the proposed development on the basis that there is no established quantitative need for the development as identified in the Retail and Leisure Study (2021) commissioned by the Council to inform the Replacement Local Development Plan (RLDP).</p>
4.2	In response to the concerns raised, the applicant submitted a Technical Note (TN). The TN seeks to demonstrate the quantitative need for the additional mezzanine floorspace.
4.3	The Planning Policy section sought further support and advice from Reeves Retail Planning Consultancy (RRPC) and Williams Gallagher (WG) on the retail need for the development and the acceptability argument made in the TN.
4.4	Planning Policy support the conclusions prepared by RRPC and WG and agree that conditions should be imposed to restrict the range of goods sold and to prevent the subdivision of the units in the future to address the quantitative need concerns initially raised. Subject to conditions, the application is supported.
4.5	<p><u>LDP Policies:</u> SB1 – Settlement Boundary SP1 - Northern Strategy Area – Sustainable Growth and Regeneration SP3 – The Retail Hierarchy and Vitality and Viability of Town Centres DM1 – New Development DM2 – Design and Placemaking DM3 – Infrastructure Provision R1 – Retail Allocations</p>
4.6	<p><u>PPW & TANs:</u></p> <ul style="list-style-type: none"> • Planning Policy Wales (PPW) Edition 11 (February 2021) • Future Wales 2040: The National Plan • Technical Advice Note 4 (November 2016) – Retail and Commercial Development

4.7	<p><u>SPGs</u> Access, Car Parking and Design (March 2014)</p>
4.8	<p>Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.</p>
<p>5. Planning Assessment</p>	
5.1	<p>In considering this application Members are reminded that the amalgamation and use of the two units at ground floor for comparison (non-food) sales is not under consideration as the units already benefit from planning permission in this regard. <u>The proposal relates solely to the introduction of a new mezzanine floor for the use as additional retail space.</u></p>
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. Welsh Government has adopted a 'town centre first' approach and requires that significant new commercial, retail, education, leisure and public service facilities must be located within town centres. They should have good access by public transport to and from the whole town and, where appropriate, the wider region. A sequential approach must be used to inform the identification of the best location for these developments (Policy 6, page 71)</p>
5.3	<p>As the adopted Local Development Plan (LDP) does not contain a development management policy that deals specifically with edge of centre retail developments, it relies on the requirements set out in national planning policy.</p>
5.4	<p>Section 4 of Planning Policy Wales (PPW) (Edition 11, February 2021) sets out a number of objectives for retail and commercial centres. Amongst these, is the need to: promote viable retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business; and sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness (paragraph 4.3.3).</p>
5.5	<p>PPW11 goes on to state <i>that "Edge-of-centre or out-of-centre retail developments may seek, over time, to change the range of goods they sell or the nature of the sales area. Planning authorities should anticipate such</i></p>

	<p><i>changes using appropriate conditions on the initial permission or in relation to requests for any subsequent change or variation of condition” (Para 4.3.29).</i></p>
5.6	<p>Since the original outline consent was granted, the Council have shown flexibility by allowing various changes to conditions, including the subdivision of units, allowing food sales and the insertion of mezzanine floors. This latest proposal must also be considered in a reasonable manner advocated in PPW, but notwithstanding this the Council must also ensure the proposal complies with the development plan and other advice within PPW.</p>
5.7	<p>PPW makes it clear that access to adequate levels of retail provision is important for communities. It states that “Evidence should demonstrate whether retail provision is adequate or not, by assessing if there is further expenditure capacity in a catchment area (quantitative need) or if there is a lack of retail quality, range of goods or accessibility (qualitative need)”</p>
5.8	<p>PPW advises that in establishing whether a need exists outside existing centres, this may be ‘quantitative’ to address an unmet demand for the provision concerned or ‘qualitative’. However, it is clear that “precedence should be given to establishing quantitative need before qualitative need is considered for both convenience (food) and comparison (non-food) floor space...” (Para 4.3.15, PPW 11).</p>
5.9	<p>The current gross internal floor space equates to 1,441m². The proposed mezzanine will introduce an additional 1,425m² floor space of which 1,205m² will be for retail use. Whilst a retail impact assessment is not required for the proposal, a Planning and Retail Statement has been submitted in support of the application to assess the potential impact upon Brynmawr Town Centre.</p>
5.10	<p>The three tests of retail need, sequential test and retail impact assessment are outlined in detail below in relation to the proposed changes:</p>
5.11	<p><u>Quantitative Need</u> Policy SP3 of the LDP identifies a retail hierarchy for the Borough, identifying Ebbw Vale as the Principal Town Centre and Brynmawr as one of the District Town Centres. It also identified a need for 10,200sqm of comparison (non-food) goods retail floor space within the current LDP period.</p>
5.12	<p>However, as part of the evidence base for the preparation of the replacement LDP (RLDP) the Council commissioned a ‘Blaenau Gwent Retail and Leisure Study’ (the ‘Retail Study’ or the ‘Study’). Reeves Retail Planning Consultancy (RRPC) and Williams Gallagher (WG) prepared the Retail and Leisure Study which was published in August 2021. The Study showed that at the time there</p>

was no quantitative need for additional comparison (non-food) floorspace in the Borough during the plan period up to 2033 (Fig 4 below), even before the existing commitments including the former NMC site in Brynmawr, were allowed for.

5.13

CONVENIENCE (FOOD) FLOOR SPACE	2020	2025	2030	2033
Amount of new convenience floor space required square metres (net)	166	-243	-652	-883

5.14

COMPARISON (NON-FOOD) FLOOR SPACE	2020	2025	2030	2033
Amount of new comparison floor space required square metres (net)	-169	-540	-893	-1,221

Fig 5. Extract of Tables A8.28 and A8.29 of the Retail and Leisure Study 2021

5.15

However, the above figures were based on an assumption that overall market shares would remain the same as at the time of the household survey, and was based on Home Bargains and Peacocks both trading.

5.16

The Council's Planning Policy team raised concerns of quantitative need as part of their initial consultation response. In a bid to address these concerns the agent submitted a Technical Note (TN) to demonstrate the quantitative need for the mezzanine in two ways, by:

5.17

- Comparing the expected turnover of The Range store with the mezzanine floorspace with the previous / potential turnover of the two units as currently configured; and

5.18

- Considering the effect of improving expenditure retention in the area by reducing trade leakage

5.19

The submitted TN states that the turnover of The Range with the proposed mezzanine floor would not be significantly different from that likely to have been achieved by Home Bargains and Peacocks and potentially less than it could be if the space were occupied by other retailers which trade closer to an average comparison (non-food) retailer's sales density.

5.20

The Planning Policy team sought further advice from RRPC and WG on the retail need for the development and the assessment of the submitted TN.

5.21

Based on a theoretical comparison of turnover between the existing units and the proposal for The Range, RRPC and WG suggest the potential turnover of the existing units would be in the region of £4.03m to £5.51m, based on a net sales area of 1,150 – 1,225 sqm and a sales density of between £3,500 per sqm and £4,500 per sqm. The forecast turnover of The Range with the mezzanine floor would be between £3.73m to £4.91m. This is because

	average sales densities for retailers such as The Range are typically lower than the previous occupiers of the retail units.
5.22	As such, even if using the highest expected turnover figure for The Range at £4.91m, it would be comparable to the expected potential turnover of the existing units. The additional floorspace provided by the mezzanine as part of the Range proposal would therefore have a negligible impact upon retail capacity (need) in the area. RRPC and WG point out that this is only the case if the retailer is The Range or an operator with a similar level of turnover.
5.23	Furthermore, RPPC and WG conclude that the provision of the mezzanine is likely to increase the attractiveness of the Brynmawr town centre and the edge of centre Retail Park, as will the redevelopment of the former NMC site. As a result, the comparison (non-food) market share of the town would be expected to increase, which in turn supports the quantitative need for the additional floorspace and would complement the qualitative need for the proposed development.
5.24	However, Members should note that this quantitative need is linked to the ability to improve market retention and a retail offer that trades at a level consistent with many other large format, retail warehouse operators. RRPC and WG therefore suggest that if Members are minded to approve the application it should be subject to conditions that ensure that the types of goods sold (and therefore the expected turnover) would not change substantially were The Range to vacate the unit in the future, and that the future sub-division of the units is prevented on the basis that larger retail units tend to achieve lower sales per sqm than smaller units.
5.25	The Planning Policy team agree with the conclusions of RRPC and WG as do I. I am therefore satisfied, that subject to the aforementioned conditions, the development has adequately demonstrated a quantitative need.
5.26	<u>Qualitative Need</u> Qualitative need identifies if there is a lack of retail quality, range of goods or accessibility.
5.27	National policy sets out a number of criteria which should be considered as part of a qualitative assessment and indicates that a combination of these criteria will need to be met in order to justify new retail development.
5.28	Qualitative considerations include both positive and negative considerations including, amongst other things: <ul style="list-style-type: none"> • the degree to which it supports the objectives of the retail strategy;

	<ul style="list-style-type: none"> • the accessibility of the site; • whether it contributes to a reduction in car journeys; • whether it contributes to the co-location of facilities in existing retail and commercial centres; • whether it adds to the attractiveness and vibrancy of a centre; • whether it addresses locally defined deficiencies in provision in terms of quality and quantity (paragraph 4.3.16, PPW 11).
5.29	<p>However, Members should note “<i>Regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms. However, they may be material considerations in making a decision on individual planning applications if the regeneration and job creating benefits can be evidenced</i>” (Para 4.3.17 of PPW 11).</p>
5.30	<p>The proposed development is considered to meet the following criteria:</p> <ul style="list-style-type: none"> - The application site is considered to be highly accessible by walking, cycling and public transport, given its location at the edge of the existing town centre and in close proximity to residential properties and the local bus station. - The proposed development would improve the provision of local goods and services, which will reduce the leakage of expenditure from the area, improve local access and reduce unnecessary trips further afield. - I am of the opinion that the proposal will contribute to the attractiveness and viability of Lakeside Retail Park which is noted to be an important shopping destination with reasonable links to Brynmawr town centre and enhanced by the redevelopment of the NMC site immediately to the north.
5.31	<p>It is acknowledged that the Retail Study did not identify any areas of local deficiency or areas where new retail development is necessary to contribute to the vibrancy, attractiveness or viability of any of the town centres. However, it does suggest that given the extraordinary events of 2020, a regular review of qualitative needs should be undertaken, as retail provision and shopping habits may change significantly within the plan period.</p>
5.32	<p>Table 4.7 of the Retail Study (below) identifies that the comparison goods relative to those sold by The Range are either purchased via the internet or from Cyfartha Retail Park in Merthyr Tydfil or Ebbw Vale Town Centre as the most popular destinations. In particular, the table highlights that Cyfartha Retail Park is the principal destination for DIY/garden and pet related goods.</p>

All Zones	Most Popular destination	Second choice destination	Third choice destination
Clothing / Footwear (First Choice) (Q09)	Internet / delivered	Cyfarthfa Retail Park, Merthyr Tydfil	Cwmbran Town Centre
Clothing / Footwear (Other) (Q11)	Internet / delivered	Cyfarthfa Retail Park, Merthyr Tydfil	Cwmbran Town Centre
Personal Care / Medical / Pharmaceutical Goods & Equipment (Q13)	Ebbw Vale Town Centre	Tredegar Town Centre	Lakeside Retail Park, Brynmawr
Recreational Goods (Q15)	Internet / delivered	Ebbw Vale Town Centre	FSOC, Ebbw Vale
Audio-Visual Goods (Q17)	Internet / delivered	Cyfarthfa Retail Park, Merthyr Tydfil	Ebbw Vale Town Centre
Furniture / Carpets / Floorcoverings (Q19)	Internet / delivered	Ebbw Vale Town Centre	Cyfarthfa Retail Park, Merthyr Tydfil
Items for the house (Q21)	Internet / delivered	Cyfarthfa Retail Park, Merthyr Tydfil	Lakeside Retail Park, Brynmawr
Items for Personal Use (Q23)	Internet / delivered	Ebbw Vale Town Centre	Cardiff City Centre
Books / Stationery (Q25)	Internet / delivered	Lakeside Retail Park, Brynmawr	Ebbw Vale Town Centre
Household Appliances (Q27)	Internet / delivered	Cyfarthfa Retail Park, Merthyr Tydfil	Ebbw Vale Town Centre
DIY / Garden / Pet-Related Goods (Q29)	Cyfarthfa Retail Park, Merthyr Tydfil	Ebbw Vale Town Centre	B&M Home Store, Rhyd-y-Blew, Ebbw Vale

Fig 6 (above): Table 4.7 of the Retail Study, showing main shopping destinations for comparison (non-food) purposes.

5.33

It could therefore be argued that the proposed development would assist in clawing back expenditure that is leaking to Cyfarthfa Retail Park, which in turn would increase the amount of money spent locally (i.e. the market share).

5.34

Consequently, the qualitative benefits of reducing the expenditure leakage supports the quantitative need for additional retail floorspace. Reducing leakage would also reduce travel and improve sustainability in line with the aims of the Future Wales Plan:2040. Indeed, the submitted retail statement identifies that shoppers seeking The Range store currently have to travel to Newport, Cardiff or Hereford for their nearest stores and as such this proposal will redress this deficiency.

5.35

Sequential Test

PPW 11 states that the sequential approach to development applies to all retail and other uses that are complementary to retail centres.

5.36

The Retail Study identifies that it would be preferable for any development proposals at the retail park to continue to be the subject of policies that seek to support the town centre, adopting a ‘town centre first’ approach. Smaller

	<p>scale developments/uses that could be accommodated within the existing town centre should continue to be encouraged within such locations first, with the retail park considered one of the next sequentially preferable locations.</p> <p>5.37 The Planning Policy Team have confirmed that they agree there are no sequentially preferable sites available, or other properties capable of conversion within or on the edge of Ebbw Vale or Brynmawr to accommodate the proposed total floor space of 2,866m² within Units 2 and 3A.</p> <p>5.38 This is supported by PPW which stipulates that “<i>some types of retail store, such as those selling bulky goods and requiring large showrooms, may not be able to find suitable sites or buildings within existing retail and commercial centres. Where this is the case such stores should in the first instance be located on sites identified for such a purpose in the development plan, preferably on an edge-of-centre site</i>”. On this basis I am satisfied that Lakeside, as an ‘edge-of-centre’ location, is an accessible and appropriate location for the proposed development.</p> <p>5.39 <u>Retail Impact Assessment</u> The agent has considered the impact on Ebbw Vale, Brynmawr and Blaina town centres. Their assessment has demonstrated that the proposed development would not have an unacceptable impact on the vitality and viability of the aforementioned town centres. The level of trade diversion will have no material impact on the role and function of Ebbw Vale town centre and there will be no material impact on Blaina Local Centre.</p> <p>5.40 In assessing the impact upon Brynmawr town centre, the submitted retail statement highlights that the two application units were trading at the time of the Retail Study (i.e. former Home Bargains and Peacocks) and were in themselves attracting a level of comparison goods expenditure. Indeed, the total turnover of the two units when occupied by Home Bargains and Peacocks is not significantly different to the total turnover projected by the occupation of The Range. As such, the introduction of the proposed mezzanine will not materially alter the comparison goods turnover of the existing town centre.</p> <p>5.41 It is therefore considered that the proposal will not have a detrimental impact upon the vitality and viability of Brynmawr town centre and I am satisfied that the development accords with TAN 4, PPW 11 and the Future Wales Plan:2040. Furthermore, it could be argued that the strengthening of Lakeside Retail Park as a retail destination together with the recently completed NMC site will enhance the commercial attractiveness of the retail park and thereby encourage a greater proportion of shoppers to visit the town as a whole.</p>
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5.42	<p><u>Other Considerations</u></p> <p>It is acknowledged that the occupation of the proposed units will reduce the vacancy level at the retail park following the closure of Peacocks in 2021 and Home Bargains in summer 2022 following its relocation to the NMC site.</p>
5.43	<p>Whilst the units are not long standing vacant units, Members should note that the Retail Study identifies that the loss of key tenants at the Retail Park is a threat and that demand for retail space both in and out of centre has declined with no indication that this will change during the plan period. The Study also identifies that there is on-going competition from existing out-of-centre locations which have also experienced vacancies and so are competing to attract the limited number of new businesses seeking retail floor space.</p>
5.44	<p>Consideration should therefore be given to the occupation of the units by an A1 national retailer that would enable a greater proportion of expenditure to be retained in the Borough, particularly in relation to the sale of DIY/garden/pet related goods.</p>
5.45	<p>Furthermore, retail development is classified in PPW as a form of economic development (para 5.4.1 and 5.4.2) which can deliver sustainable long term prosperity, jobs and income.</p>
5.46	<p><u>Highways</u></p> <p>A Transport Statement and Travel Plan were submitted in support of the application which includes a parking accumulation study to demonstrate the effects of the proposed new development on parking demand.</p>
5.47	<p>The parking study demonstrates that a minimum of 156 parking spaces would be expected to be available at the busiest period. This figure takes into account the required spaces for the proposal but also accounts for the loss of parking spaces should the petrol filling station (approved under application C/2017/0220) be constructed. Based on this information, the Highways Manager is satisfied that the existing car parking provision can accommodate the potential increase in parking demand resulting from the proposed development. i.e. even if the petrol filling station was to be constructed there would still be sufficient parking available to support this development.</p>
5.48	<p>In response to comments raised by the Town Council in terms of potential parking/congestion problems, the parking study demonstrates that there would be an additional 49 new two-way vehicle trips (at peak times) generated as a result of the development. The Highways Manager is satisfied that these additional movements could be accommodated on the existing highway network.</p>

5.49	Notwithstanding this, subject to a condition requiring compliance with the measures outlined in the Travel Plan, including the appointment of a Travel Plan Co-ordinator, the application complies with LDP Policy DM1(3).
5.50	<p><u>Phosphates</u></p> <p>Although the site falls within an area deemed to be phosphate sensitive, the development is not likely to increase foul flows (connection to which already exists on site). Notwithstanding this, Welsh Water have confirmed that the site drains to the Cardiff Bay treatment plant and as a result the proposal will not have a detrimental impact on the water quality within the river Usk Special Area of Conservation. NRW have confirmed they therefore have no objections and a HRA is not required.</p>
5.51	<p>Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the Council as competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.</p>
5.52	<p>This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued in July 2022). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:</p>
5.53	<p>The development proposed will be connecting to an existing public wastewater treatment works that has the capacity and associated phosphorus stripping facility to accommodate additional wastewater and is unlikely to increase phosphorus inputs to a SAC beyond what has already been assessed and permitted by NRW.</p> <p>The application is therefore considered to be compliant with LDP policies DM1 and DM14.</p>
5.55	<p><u>Ecological Enhancements</u></p>

5.56	<p>In accordance with guidance issued by the Welsh Government, each application for planning permission must now propose ecological mitigation <u>and</u> enhancement. This can be achieved through the incorporation of bat and bird boxes into the development or within the wider curtilage. Although these details have not been indicated as part of the application, they could be adequately secured by the imposition of a condition. Subject to such a condition, the application would be compliant with the requirements of policy DM1 of the LDP, PPW 11 and the Environment (Wales) Act 2016.</p>
5.57	<p><u>Other Matters</u></p> <p>In response to a comment made by a Ward Member in reference to their preference to supporting clothes retailers, the LPA can only consider the application as presented, which is for a mezzanine floor. The existing use is A1 retail and as such clothes retailers could have occupied the building (without the mezzanine floor) without needing planning permission. Nevertheless, the former clothes store (Peacocks) has been empty since 2001. There are regeneration incentives to help businesses within the Borough. However, as the Retail Study identifies, internet shopping is the most popular choice for clothes shopping.</p>
5.58	<p>In response to a comment made by a Member in respect of enticing shoppers into Brynmawr town centre, this has been recognised within the recently adopted Brynmawr Place Plan. This includes the need for a pedestrian route that not only connects Lakeside with the town centre but also creates a high quality pedestrian experience and environment.</p>

6. Legislative Obligations

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

7. Conclusion and Recommendation

7.1	The introduction of the mezzanine floorspace to permit The Range to occupy the two existing units is likely to increase the attractiveness of the Brynmawr town centre and the edge of centre Retail Park, as will the redevelopment of the former NMC site. As a result, the comparison market share of the town would be expected to increase, which in turn supports the quantitative need for the additional floorspace, complementing the qualitative need for the proposed development.
7.2	The review has also shown that the turnover of an extended unit trading as The Range is not expected to differ significantly from what could be achieved by other retailers trading in the existing units.
7.3	However, this quantitative need is linked to the ability to improve market retention and a retail offer that trades at a level consistent with many other large format, retail warehouse operators. It is therefore suggested that if Members are minded to approve the current application it should be subject to two conditions:
7.4	<ul style="list-style-type: none"> • The first would be to restrict the range of goods that can be sold to those types of products that are expected to be offered by The Range, given these would meet a current deficiency in the Borough. This is to ensure that in the event The Range vacate the unit in the future, any new retailer would need to provide a similar offer or part of it; and
7.5	<ul style="list-style-type: none"> • Secondly the future subdivision of the unit should be prevented, as retailers in smaller units are likely to have different trading characteristics and would be more likely to be suitable for and compete with existing town centre businesses.
7.6	<p>Planning permission be <u>GRANTED</u> subject to the following condition(s):</p> <ol style="list-style-type: none"> 1. Standard Time Limit 2. Approved plans and documents list 3. Condition restricting type of goods to be sold 4. Condition preventing future sub-division of the units 5. Condition requiring compliance with Travel Plan 6. Condition requiring appointment of Travel Co-ordinator 7. Condition requiring ecological enhancements 8. No increase in surface water to discharge into public sewerage system
	<p>Advisory Notes</p> <ol style="list-style-type: none"> 1. Scope of permission 2. Welsh Water standard informatives

8. Risk Implications	
8.1	None

Planning Report

Application No: C/2022/0309	App Type: Full
Applicant: Mr Matthew Worton Davies Homes 7 Gelliwastad Road Pontypridd CF37 2BP	Agent: Mr Dylan Green Asbri Planning Ltd. Unit 9 Oak Tree Court, Mulberry Drive Cardiff Gate Business Park Cardiff, CF23 8RS
Site Address: LAND TO THE SOUTH OF FAIR VIEW, ASHVALE, TREDEGAR	
Development: Residential development and associated works	
Case Officer:	Steph Hopkins

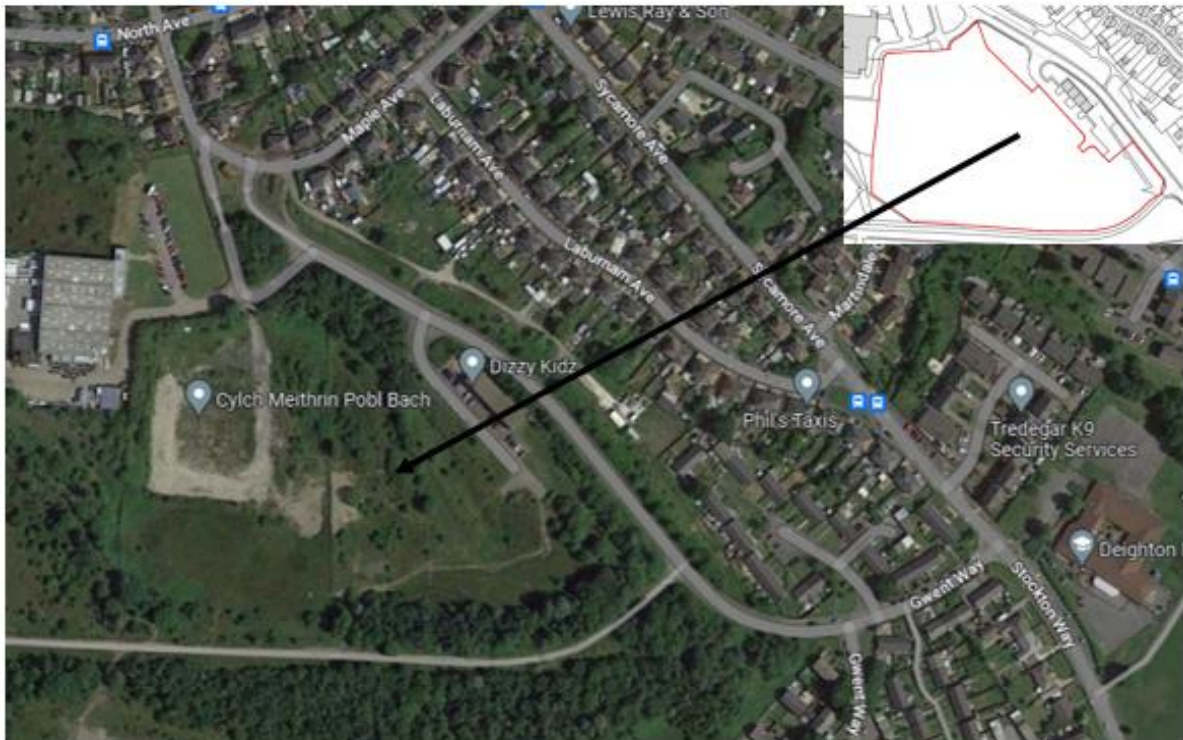


Image: Google

1. Background, Development and Site Context

1.1	<p><u>The application Site and Background</u></p> <p>The site is located on open land, off Fair View/Gwent Way, Tredegar. It is situated in an urban fringe location and is adjacent to an industrial unit to the north with residential properties beyond; leisure units and housing beyond to</p>
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the east; a public footpath leading to Parc Bryn Bach to the south; and Parc Bryn Bach to the west at a higher level.

- 1.2 The site comprises an irregular shaped parcel of land measuring a total of 3.6ha and slopes gently away from the west to the eastern boundary with a large relatively level plateau in the middle of the site. The western part of the site is brownfield given it was formerly the BKF Plastic Mouldings Ltd Company. This part of the site currently consists of open, low-quality land with a large area of hard standing towards the north-western corner which previously accommodated a large industrial unit and associated buildings towards the centre of the plot which have since been demolished. The land to the east fronting onto Gwent Way and to the south-east is greenfield and comprises low quality scrubland.

1.3



View from South West corner of site. Industrial unit can be seen in top left corner

1.4



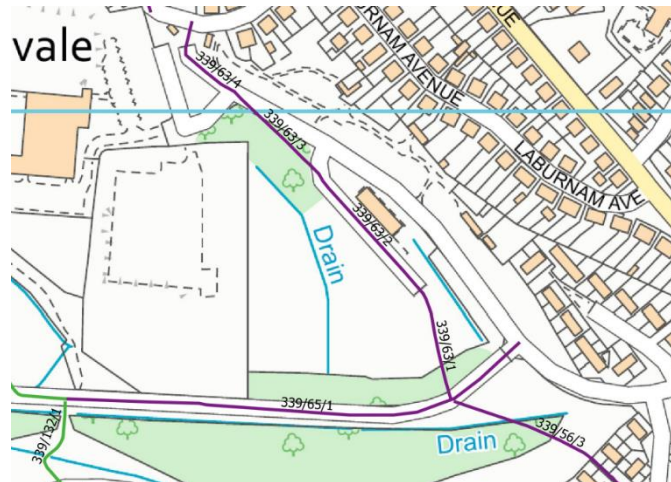
View from the road fronting Dizzy Kids Tredegar. Site is higher level than the road

1.5

The south-east of the site is bounded by a stone wall separating it from Gwent Way but then steps back from the road to run parallel to the industrial buildings and its associated road. The remainder of the site is bounded by post and wire fencing and mature trees, particularly along the southern and eastern boundary.

1.6 A Public Right of Way (PRoW) runs along part of the eastern boundary of the site, which connects with the footpath to the south which leads to Parc Bryn Bach as can be seen in the image below (purple line).

1.7



1.8

Proposed Development

The planning application seeks full planning permission for the development of 77 no. dwellings and associated works. The schedule of accommodation on the proposed layout plan constitutes the following mix:

1.9

Type	House Type Name	Number of Bedrooms	Total Number of Units
Affordable Units	1 Bed GF Flat	1	2
	1 Bed FF Flat	1	2
	2 Bed House	2	4
	Total Affordable Units		8
Private Sale Units	Ascot	3	22
	Hereford	3	8
	Chepstow	3	5
	Raleigh	4	9
	Lynton Special	4	8
	Lynton	4	6
	Knightsbridge	4	11
	Total Private Sale Units		69
Total Units			77

1.10

A Site Layout Plan has been submitted with the application as can be seen in the image below (plots highlighted in yellow will be the affordable housing units):

1.11



1.12

The site layout plan shows that both vehicular and pedestrian access to the site is to be attained by extending the existing access off Fair View on the site's northern boundary, as well as another access formed off Gwent Way to the southwest. Internally, the road provides access to the parking provision located within the curtilage of each dwelling.

1.13



Existing access off Fair View to be utilised.

1.14



Red Star indicates approximate position of access to be created off Gwent Way

1.15

The new carriageway will be a minimum of 5.5m wide with 2m footways that will provide level access to the properties. A new pedestrian and cycle access point is located to the south connecting to National Cycle Route 468 and the PRow. This will allow for residents and visitors to easily connect to the wider Tredegar area and Parc Bryn Bach. Bike storage will be accommodated on plot. The proposed development will collectively provide 179no. parking spaces in a combination of frontage and tandem parking to restrict an over-dominance of cars along the access road. The PRow will be affected (the application has been advertised as such) as it cuts through the proposed location for a Sustainable Drainage System (SUDs) basin in the south-east corner of the site.

1.16

The topography of the site is such that it slopes from west to east with a relatively flat plateau in the middle. The levels of the proposed roads and dwellings have been designed to follow the topography of the site. The proposed dwellings are located either side of the proposed access road and have been designed so that the dwellings front the road or private driveways that serve them.

1.17

The dwellings have been designed with a materials palette that include farmhouse multi brick as the predominant finishing feature for most of the homes with a white render elevation finishing homes in some key areas as a contrast. There will be a consistent use of a slate grey concrete interlocking roof tile, black rainwater goods and white windows and doors. All dwellings have their own private amenity space and dedicated off-street parking provision. Boundaries in prominent locations within the streetscape will be brick and boundaries between rear gardens timber fencing.

1.18 Street scenes taken from various sections throughout the site are provided below:



1.19 Areas of open space are incorporated into the layout including Local Area for Play (LAP), some green spaces which provide drainage attenuation areas to support the sustainable management of surface water and enhance biodiversity.

1.20 The proposal seeks to retain as much of the treed and natural boundaries wherever possible. However, it is noted that a number of the trees throughout the site and particularly along the south east boundary will need to be removed. To mitigate for this loss and to soften the appearance of the built development, the applicant has designed a landscaping scheme that will see

	<p>replacement tree planting throughout the site creating tree lined avenues along roads. Biodiversity opportunities on the site will also be enhanced by providing hedgerows, shrubs and green areas of public open space and SUDs features throughout the site. The agent has confirmed that a management company will be employed to maintain the proposed open space on-site, it is not clear who will fund this.</p>
1.21	<p>In addition to the detailed 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, Landscaping Scheme, Tree Constraints Plans, Drainage Strategy, Engineering Drawings, Travel Plan, Preliminary Geo-Environmental & Geotechnical Assessment and Coal Mining Report.</p>
1.22	<p>A second consultation was undertaken on this application late February 2023 following the submission of amended details to respond to consultation comments which included: additional tree planting, revised boundary treatments (plots 74-77), revision of parking layout for Affordable Units and Indicative diversion to affected Public Right of Way. Additional information was also submitted: Noise Impact Assessment, Revised Drainage Strategy and Archaeological Desk Based Assessment.</p>
1.23	<p>The applicant requested pre-application advice for residential development prior to the submission of this application. The advice provided was positive subject to minor design changes and the submission of required specialist reports.</p>
1.24	<p>This application is being presented to Planning Committee inline with the current Scheme of Delegation as it falls within the major category of development.</p>

2. Site History

	Ref No	Details	Decision
2.1	C/2007/0730	Existing Industrial building to be demolished and residential site to be created.	Granted 12/04/2012
2.2	C/2015/0052	Variation of condition 10 of planning permission C/2007/0730 (to extend date of submission of reserved matters)	Granted 26/01/2017
2.3	C/2019/0351	C/2019/0351 - Variation of condition 17 of planning permission C/2015/0052 (to	Resolution to grant planning

		extend date of submission of reserved matters) GRANTED 28th August 2020 subject to signing of S106	permission subject to S106 28/08/2020
2.4	These applications relate to the western portion of the site only. Planning permission has not been issued for C/2019/0351 as the S106 has not been entered into. This has been due to ongoing discussions for the wider development of the site.		
3. Consultation and Other Relevant Information			
3.1	<u>Internal BG Responses</u>		
3.2	<p><u>Service Manager Infrastructure:</u></p> <p>Highways:</p> <p>The submitted planning application complies with Policy DM 1 (3 a, b, c, d & e), there are no objections subject to the following:</p> <ol style="list-style-type: none"> 1. A planning condition is required to ensure compliance with the Travel Plan. 2. Informal pedestrian crossing facilities are to be incorporated at all highway junctions. This is to be a condition of approval. 3. Plot 77 – The proposed rear boundary treatment for this property is to be set back a minimum of 1.0m away from the adjoining turning head/carriageway. This is required to retain adequate vehicle overhang and ensure boundary treatments will not be struck by turning vehicles. 4. Off-street parking provisions for each dwelling are to be fully constructed prior to occupation. 5. All junctions, roads and footways are to be constructed to highway authority design standards and to a minimum of binder course with street lighting energised prior to occupation of dwellings. A street lighting scheme is to be submitted for approval prior to construction. 6. A new off-site shared footpath/cycle path is to be provided (not shown on plans), linking from the development site towards Fair View/Maple Avenue. Additionally the existing footway on Gwent Way, linking from the new access road junction towards Stockton Way is to be widened to 2.5m to where it links with the route into Brynbach Park. These facilities will encourage sustainable travel movements. 7. The proposed footway link between the development site and the Bryn Bach Park shared footpath is welcomed, this link is to be a shared surface for both cyclists/pedestrians (minimum 2.5 metres wide). Appropriate Active Travel Act compliant signage is to be provided. 		
3.3	<p>Drainage:</p> <p>SAB approval required.</p>		

3.4	<p>Ground Stability: There are no objections in principle.</p>
3.5	<p>It is noted a Geotechnical Summary has been provided with the application which recommends a range of additional works to identify any potential issues, including a soil gas monitoring programme.</p>
3.6	<p>Also noted the soil analysis identified elevated concentrations of contamination. Hotspots of contamination should be removed from site completely and disposed of at a suitable waste disposal site. Clean inert capping should be used for landscaped areas to sever potential contamination pathways.</p>
3.7	<p>Asbestos has been identified within the shallow ground – an Asbestos Management Plan is required.</p>
3.8	<p>With regard to ground stability it is noted that the Coal Mining Report identified a mine shaft and shallow mine workings beneath the site. These will require further investigation and of and treatment.</p>
3.9	<p>Structures: No observations to make.</p>
3.10	<p>Landscape: Tree stock is to be an advanced specification for immediate impact. A detailed specification of the proposed landscaping scheme to be provided including 5 year aftercare/maintenance management plan is required.</p>
3.11	<p>Ecology: A Phase 1 and 2 Ecology survey has been submitted.</p>
3.12	<p>The report concludes that the proposed development has the potential to support nesting birds, foraging bats, and insects.</p>
3.13	<p>Woodland strip and habitats on south boundary should be retained to maintain connectivity and habitat for wildlife and further enhanced.</p>
3.14	<p>Invasive species confirmed on site they will need to be eradicated from site prior to work commencing and to prevent further spread.</p>
3.15	<p>The recommendations, mitigation and compensation outlined within the report are acceptable and must be complied with.</p>
3.16	<p>Rights of Way: Object to the plans in their current form.</p>

<p>3.17,</p>	<p>Public Footpath 339/63/1 crosses the south-eastern extent of the site prior to its connection with 339/65/1. The proposed site layout will obstruct the existing alignment by constructing an attenuation basin over it, thus interfering with the surface of the path.</p>
<p>3.18</p>	<p>The proposal to divert the public footpath is acceptable in principle. Whilst temporary closure of the public path is appropriate where required to facilitate construction off the line of the path (e.g. to ensure safety whilst heavy plant is crossing the path) no work on the alignment of the path itself can be commenced until the diversion process has been completed, regardless of whether a temporary closure is in place. Diversion of a public path, if unopposed, is likely to take approximately 12 months if unopposed.</p>
<p>3.19</p>	<p><u>Service Manager Public Protection:</u> The land the houses will be built upon is overlain with made ground associated with historical industries in the area. The site is also approximately 400m away from a closed domestic refuse landfill site. The geo-environmental report confirms the presence of a variety of contaminants on the site. Accordingly, a condition is required to ensure necessary mitigation is put in place.</p>
<p>3.20</p>	<p>The submitted Noise Assessment is acceptable and concludes that both internal and external criteria for day and night equivalent noise levels at the site can be achieved with no need for mitigation measures.</p>
<p>3.21</p>	<p>Conditions should be imposed that require a Construction Management Plan.</p>
<p>3.22</p>	<p><u>Head of Estates and Strategic Asset Management:</u> The Council own part of the land detailed in this application, the necessary notices have been served on the Council as part landowner.</p>
<p>3.23</p>	<p><u>Education:</u> Request £207,636 towards primary education within the Sirhowy Valley (Deighton Primary School) and £216,315 towards Secondary Education at Tredegar Comprehensive School.</p>
<p>3.24</p>	<p><u>Leisure:</u> No response received.</p>
<p>3.25</p>	<p><u>Regeneration (Housing):</u> Supporting the scheme with a confirmed allocation of grant from Cardiff Region City Deal to bring the site forward.</p>

3.26	<u>External Consultation Responses</u>
3.27	<u>Tredegar Town Council:</u> No objections.
3.28	<u>Natural Resources Wales:</u> NRW note that the bat report submitted in support of the above application has not identified that bats are present. Notwithstanding this, they note the report recommends that lighting should be designed to prevent unnecessary illumination to the south and west boundaries to enable bats to continue to forage on site. As no lighting plan has not been submitted with the application NRW recommend that details are secured by condition.
3.29	<u>Welsh Water:</u> Previously outlined concerns that the current water supply system could not accommodate the proposal and they advised that a Hydraulic Assessment was required. As no Assessment has been undertaken, a condition is required to use the stipulated watermain connection to ensure adequate water supply.
3.30	The site is crossed by a public sewer. The position shall be accurately located before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer. It is proposed to dispose of foul flows via the public sewerage system and we can confirm that the sewerage network is able to accommodate the domestic only foul flows from the site.
3.31	In terms of treatment, the site drains to Cardiff Bay Wastewater Treatment Works and they confirm there would be no issue in the treatment of domestic discharges from this site.
3.32	Conditions and informatives suggested to control discharge of foul and surface water and drainage connections.
3.33	<u>Western Power:</u> Indicate position of apparatus.
3.34	<u>W&W Utilities:</u> Indicate position of apparatus.
3.35	<u>Coal Authority:</u> The Coal Authority concurs with the supporting application documents; that coal mining legacy poses a risk to the proposed development and that further investigations are required along with remedial measures in order to ensure

	the safety and stability of the proposed development. No objections raised subject to the imposition of conditions to address the above.
3.36	<u>Gwent Police:</u> No response.
3.37	<u>GGAT:</u> The proposal requires archaeological mitigation.
3.38	Information in the Historic Environment Record indicates that the proposal is located in an area of archaeological potential. GGAT note the submission of Archaeological Desk-based Assessment which indicates, whilst no above-ground structures survive, there is the potential for the proposed development to encounter below-ground remains. These include the Tredegar Patch Reservoir, Tredegar Iron Company Fields, Stanley Pit Colliery and BKF Plastics Works. Recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation should be attached to any consent granted. They envisage that this programme of work would take the form of a watching brief during the groundworks.
3.39	<u>Public Consultation:</u> <ul style="list-style-type: none"> • 15 letters to nearby houses/commercial properties • 5 site notice(s) • press notice • website public register of applications • ward members by letter • all members via weekly list of applications received • other
3.40	<u>Response:</u> No comments received following initial or second consultation.

4. Planning Policy

4.1	<u>Team Manager Development Plans:</u> Broadly support the proposed development without prejudice subject to the following issues which need to be taken into account: <ul style="list-style-type: none"> - Highway issues - Possible land contamination - Nature Conservation - Loss of trees
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<p>4.2</p> <p>4.3</p> <p>4.4</p> <p>4.5</p> <p>4.6</p>	<ul style="list-style-type: none"> - Infrastructure provision - Active Travel route <p>The submitted Viability Assessment demonstrates that the scheme is unviable however provision has been made for a financial contribution towards Education of £281,470. There appears to be no headroom to request additional financial contributions. Consideration will therefore need to be given as to the acceptability of the scheme without the full education contribution.</p> <p><u>LDP Policies:</u> SP4 Delivering Quality Housing; SP5 Spatial Distribution of Housing Sites; SP10 Protection and Enhancement of the Natural Environment; DM1 New Development; DM2 Design and Placemaking; DM3 Infrastructure Provision; DM7 Affordable Housing; DM13 Protection of Open Space DM16 Trees, Woodlands and Hedgerow Protection; SB1 Settlement Boundaries; H1 and HC1 Housing Allocations.</p> <p><u>Supplementary Planning Guidance</u> Access, Car Parking and Design (March 2014) Interim Planning Obligations SPG (2012)</p> <p><u>PPW & TANs:</u> Planning Policy Wales Edition 11 (February 2021) Future Wales The National Plan 2040</p> <p>Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.</p>
<p>5. Planning Assessment</p>	
<p>5.1</p>	<p><u>Principle of Development</u> Future Wales - the National Plan 2040 was published on the 24th February 2021, and now forms part of the Development Plan. The specific purpose of</p>

	<p>Future Wales is to support the delivery of, Welsh Government strategic aims and policies.</p>
5.2	<p>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.</p>
5.3	<p>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.</p>
5.4	<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>
5.5	<p>Part of the application site (the western portion) has an extant outline planning permission (albeit the most recent permission is awaiting the signing of a S106 agreement) for residential development. The area of land to which this permission relates is a Housing Commitment site (HC.1.19) and is allocated for 54no. dwellings. The eastern portion of application site would see the extension of the housing commitment site and the provision of additional dwellings.</p>
5.6	<p>In terms of compatibility the site is located within a predominantly residential area, although there is an existing leisure use and industrial use in close proximity. It is noted that the presence of the leisure and industrial uses have already been considered in relation to the extant outline permission for residential development on the western portion of this site. I am satisfied that the leisure uses to the east are not likely to cause any unacceptable impacts in terms of noise and disturbance given the nature of their operations. However, a noise assessment was requested in relation to any associated impacts on amenity arising from the industrial unit to the north. The noise assessment concluded that noise is not anticipated to cause any unacceptable impacts on the amenity of future residents.</p>
5.7	<p>Having regard to this above, I am satisfied that a residential use on the site is broadly compatible with the surrounding proposed uses. As such, the principle</p>

	of development is considered to be in accordance with National and local planning policy.
5.8	Policy SP4 of Blaenau Gwent LDP provides a framework for the delivery of 3,907 new dwellings in Blaenau Gwent over the plan period. The LDP seeks to deliver a mix of dwelling types, sizes and tenure, including at least 335 affordable dwellings in order to meet the need of Blaenau Gwent's current and future population.
5.9	The proposed development comprises of a mix of 1, 2, 3 and 4 bedroom properties. Policy SP5 stated that in order to create a network of sustainable linked hubs provision for 696 new dwellings will be located in Tredegar. This proposal complies with both SP4 and SP5 and would be welcomed in contributing to housing delivery in Blaenau Gwent.
5.10	The principal of residential development is therefore considered to accord with adopted strategic policies and housing need, subject to meeting criteria outlined within relevant LDP policies, national planning policy and other material planning considerations set out below.
5.11	<p><u>Layout, scale and appearance</u></p> <p>Layout: In terms of density, a site of 3.6ha should be able to support 126 units (35 per ha). The site has a lower density than would be anticipated (77 units), this was discussed with the agent at pre-application stage. It was explained this was due to the net developable area when considering the need to retain as much of the existing green boundaries as possible, ensure adequate access, provide areas of open space and attenuation areas for SUDs. Given the location of the site being edge of settlement and the need to blend in with the adjacent country park I consider a lower density to be acceptable. Overall, the number of properties is considered to represent an efficient use of the site which achieves the aims of Placemaking and will provide much needed open market and affordable housing within the area.</p>
5.12	The levels of the proposed roads and dwellings have been designed to follow the topography of the site. In terms of layout there are two points of vehicular access into the site which branch off around the site to serve the dwellings with associated footways and links to existing PRow's. The dwellings are designed so that they face outwards toward the road to ensure attractive views from outside the site.
5.13	The scheme provides for adequate garden/amenity space and dedicated parking provision for all the proposed units (the flats have shared garden space).

5.14	<p>The parking provision has been split between frontage and side parking with green spaces punctuating areas of fronting parking so as not to dominate the frontage of the dwellings with hard landscaping.</p>
5.15	<p>In my opinion there are sufficient separation distances between proposed dwellings and careful design of window positions (which are obscured where necessary) and boundary treatments to ensure there is no unacceptable impact from overlooking, loss of light or the development appearing overbearing.</p>
5.16	<p>Scale: In terms of scale, all the proposed residential units are two-storey and are considered to be of an appropriate scale within the confines of the site.</p>
5.17	<p>Appearance: A simple material palette with a range of designs has been proposed that allows the design to be both visually interesting and distinct enough to offer visual appeal.</p>
5.18	<p>The proposed solar panels will contribute to the provision of renewable energy for the properties and are not considered to have a detrimental visual impact on the wider area.</p>
5.19	<p>Boundaries which are highly visible within the public realm with constructed in brick to create a more attractive street scene. It is noted that there are timber rear boundaries on plots adjacent to the eastern boundary which is adjacent to the footpath leading to Parch Bryn Bach. However, a large proportion of existing planting is being retained on this boundary which will be supplemented by further planting which will soften the appearance of the fencing. The planting on this boundary will ensure that the path to Parc Bryn Bach retains its rural character. Frontages of the site are very open which creates an attractive street scene. To ensure that no unacceptable development occurs from future residents exercising Permitted Development Rights it is my intention to impose a condition removing these rights for any gates, walls and fences.</p>
5.20	<p>Overall, I consider that the layout, scale and appearance of the proposed development complies with Policy DM1(2a, b, and c) and DM2 of the LDP which seeks to ensure that new development proposals enhance and respect their surroundings and contribute to local identity.</p>

5.21	<p><u>Access</u> Vehicular access is to be provided off the existing junction off Fair View and a new access formed off Gwent Way.</p>
5.21	<p>Policy SP9 of the LDP - Active and Healthy Communities is relevant to this application in terms of pedestrian access due to the proximity of a PRoW to the east of the site. The policy requires that to create active and healthy communities the Council will protect and enhance accessibility to natural greenspaces. It is acknowledged that the site layout plan has regard to the existing PRoW and has provided a link through the site, This is a welcomed feature.</p>
5.22	<p>A new off-site shared footpath/cycle path must also be provided (not shown on plans), linking from the development site towards Fair View/Maple Avenue. Additionally, the existing footway on Gwent Way, linking from the new access road junction towards Stockton Way is to be widened to 2.5m to where it links with the Integrated Network Map (INM) route into Park Bryn Bach. These facilities will encourage sustainable travel movements from the development towards local facilities, providing wider access to existing INM active travel routes.</p>
5.23	<p>The Highway Authority has not raised any concern in respect of additional traffic movements associated with the proposed development, subject to the proposed conditions and informatives set out in the Consultation Section of this report.</p>
5.24	<p>I am satisfied that subject to conditions the highway network is capable of serving the development and satisfactory access can be provided for both pedestrians and vehicles and complies with Policy DM1(3).</p>
5.25	<p><u>Landscaping, trees and ecology</u> A detailed landscaping scheme has been submitted with the application, which is supplemented by a Tree Survey and Ecological Assessment.</p>
5.26	<p>Policy DM16 Trees, Woodlands and Hedgerow Protection seeks to ensure there will be no unacceptable harm to trees, woodlands and hedgerows that have natural heritage value or contribute to the character or amenity of a particular locality.</p>
5.27	<p>The existing tree buffers on the eastern edge of this site have value in contributing to the character and amenity of the local area. These trees also play a valuable part in terms of connectivity routes for bats and will provide a good level of protection to bats from light sources within the site. However, it</p>

	<p>is acknowledged that there must be some tree removal to facilitate the development, mainly the new access. The layout has considered existing assets on the site and made positive design responses to them by retaining peripheral areas of woodland and additional tree planting throughout the site to create attractive a streetscape. This view is shared by the Landscape/Arboriculture Officer, however he has noted that consideration should be given to the tree stock, planting schedule and long term management of the site. These details can be conditioned. This will also be managed through the SAB regime.</p>
5.28	<p>Welsh Government requires new development to provide not only ecological mitigation but also enhancement. The Ecological Assessment was considered sufficient to inform the required mitigation for the site.</p>
5.29	<p>The report concludes that the proposed development site has the potential to support nesting birds, foraging bats, and insects and that the woodland strip and habitats on south boundary should be retained and enhanced to maintain connectivity and habitat for wildlife.</p>
5.30	<p>Invasive species confirmed on site will need to be eradicated from site prior to work commencing and to prevent further spread.</p>
5.31	<p>The landscaping proposals will achieve net gains for biodiversity and a condition will be imposed for a detailed planting schedule to be submitted to ensure appropriate species are planted to enhance biodiversity on the site. The planted boundary to the south will be retained an enhanced.</p>
5.32	<p>The Councils Ecologist has not raised any objections subject to conditions and informatives.</p>
5.33	<p>It is noted that NRW have requested that a condition is imposed for a scheme of lighting to ensure there is no unacceptable impacts on bats. This is considered necessary and reasonable.</p>
5.34	<p>As such the application, subject to conditions, is considered compliant with the requirements of policies in the LDP and national policy.</p>
5.35	<p><u>Public Rights of Way</u> Policy DM15 Protection and Enhancement of the Green Infrastructure Part 2 of the policy states that development proposals will be permitted where the development facilitates connections to strategic and local green infrastructure. The proposed layout clearly sets out to achieve a connection to the public right of way.</p>

5.36 However, as stated earlier in my report the development will affect a right of way as the attenuation basin in the south-eastern corner of site cuts across it. For ease of reference the location of the PRow is shown below with the approximate position of the attenuation basin marked with a red star:

5.37



5.38 The applicant's intention is to (subject to planning permission being granted) submit a temporary stopping up/diversion application to ensure that construction works do not impact on the right of way and then alongside this, submit a formal diversion application. Once the diversion is in place, the right of way will be re-routed slightly out of its current alignment to ensure the development can progress, in line with any subsequent planning permission.

5.39 The proposed diversion is likely to be around the basin. In my opinion, this is would be a commodious diversion which could be achieved within the bounds of the site.

5.40 The Council's PROW officer has been consulted on the application and has confirmed that in principle the applicant's intentions of how to address the PROW matter is acceptable.

5.41 Planning permission does not convey the right to close, alter or build over a right of way, even temporarily. This includes, for example, a change in the surface, width or location. It is a criminal offence to obstruct a right of way unless the necessary legal order has been made, confirmed and brought into effect and an informative note will be added to this effect.

5.42 Land stability

The Service Manager Infrastructure has raised no objections to the development subject to a geotechnical site investigation being carried out prior to construction. This will establish the prevailing ground conditions and any necessary remediation works.

5.43	<p>The application site falls within the Coal Authority's defined Development High Risk Area. The Coal Authority concurs with the supporting application documents; that coal mining legacy poses a risk to the proposed development and that further investigations are required along with remedial measures in order to ensure the safety and stability of the proposed development. No objections raised subject to the imposition of conditions to address the above.</p>
5.44	<p>This will ensure that the proposal complies with policy DM1(2i).</p>
5.45	<p><u>Contaminated Land</u> The Environmental Health Officer commented that preliminary investigations revealed contaminants in shallow soil and further investigation and remediation works are required. I am satisfied that a condition can be imposed requiring both investigatory work and subsequent remediation (including an Asbestos Management Plan) to ensure compliance with Policy DM1.2(j).</p>
5.46	<p><u>Drainage</u> The submitted Planning Statement confirms that foul drainage will connect to the existing foul sewer network. Dwr Cymru Welsh Water (DCWW) has confirmed there is capacity in the network to accept domestic foul.</p>
5.47	<p>DCWW have confirmed that providing the applicant uses the specified water connection and that this is a condition of any subsequent permission that there would be an adequate potable water supply.</p>
5.48	<p>Conditions and informatives to exercise control over connections to public sewers in respect of foul and surface will also be necessary.</p>
5.49	<p>Since 7th January 2019 development proposals that have a hard surface area that exceeds 100m² require separate SAB approval to deal with surface water drainage. This development exceeds this threshold and accordingly requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'.</p>
5.50	<p>As part of the SAB application the developer also has a duty to provide betterment in terms of surface water run-off from the site in addition to biodiversity, ecology and amenity benefits.</p>
5.51	<p>SAB applications in this Borough are dealt with by Caerphilly CBC. However Welsh Water is a statutory consultee. I am satisfied that surface water drainage will be addressed through the SAB process.</p>

5.52	<p><u>DM4 Low and Zero Carbon Energy</u></p> <p>The Council will encourage major development proposals to incorporate schemes which generate energy from renewable and low/zero carbon technologies. Policy DM4 defines major development proposals as 100 or more homes and / or provision of 1,000 sq m or over of floorspace. Paragraph 7.39 of the Plan requires energy statements to be prepared for all major development proposals to examine the potential for renewable energy generation and/or low /zero carbon technologies on-site and, where appropriate the sharing of renewable energy with the wider community.</p>
5.53	<p>Although this proposal is only for 77 houses, the floor space will exceed 1000sqm. Accordingly, an energy statement has been submitted with the application. The proposal includes solar photovoltaic panels on all roofs which is positive and acceptable. Building Regulations legislation will also seek to reduce carbon emissions through build design.</p>
5.54	<p><u>Historic Environment</u></p> <p>Information in the Historic Environment Record indicates that the proposal is located in an area of archaeological potential. GGAT note the submission of Archaeological Desk-based Assessment which indicates, whilst no above-ground structures survive, there is the potential for the proposed development to encounter below-ground remains associated with several structures. These include the Tredegar Patch Reservoir, Tredegar Iron Company Fields, Stanley Pit Colliery and BKF Plastics Works.</p>
5.55	<p>Therefore, it is GGAT's recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted. This is a reasonable request and a necessary one to protect the historic environment.</p>
5.56	<p>I am satisfied that subject to the imposition of the above condition the development proposal complies with policy SP11 which requires the protection and enhancement of the historic environment.</p>
5.57	<p><u>Noise/Dust/General Disturbance</u></p> <p>The construction phase of the development can be controlled through a condition requiring a Construction Environment Management Plan (CEMP). An approved CEMP will ensure that the day to day operation of the site can be controlled including hours of operation, dust and noise mitigation measures.</p>

5.58	I do not consider that an additional 77 residential properties in an existing residential area will give rise to a level of disturbance that could be considered unacceptable.
5.59	<u>Planning Obligations</u> The proposed development has generated the need for the two distinct planning obligations; the provision of affordable housing and financial contribution to education.
5.60	Policy DM7 seeks 10% affordable housing (subject to viability) on all sites that: <ul style="list-style-type: none">- Contain 10 or more dwellings; or- Exceeds 0.28ha in gross site area; or- Exceeds the thresholds in (a) or (b) above for adjacent sites.
5.61	This application proposes 10% affordable housing (8 units). A suitably worded condition can ensure these units are retained as affordable units.
5.62	Education: The Education Department has requested £207,636 towards primary education within the Sirhowy Valley (Deighton Primary School) and £216,315 towards Secondary Education at Tredegar Comprehensive School.
5.63	When the applicant undertook pre-application consultation with the Council over 2 years ago, a financial contribution of £281,470 was requested from the Education Department. This provision of this amount was factored into the viability of this development. However, in the last two years the demand on education provision has increased which has resulted in a significantly higher financial request from the Education Department which the applicant has confirmed they are unable to commit to.
5.64	The requirement to provide contributions to leisure and/or education is subject to development viability.
5.65	The current proposal has included an allowance of £3,655 per dwelling for S106 costs (£281,470 in total). The submitted viability assessment shows that even with Cardiff City Region (CCR) gap viability funding the proposal remains unviable. Accordingly the assessment indicates that there is no headroom to ask for more. The Council's Team Manager Planning Policy has assessed the viability figures submitted and agrees they are robust.
5.65	Relevant to consideration of this issue is section 4.5 of the interim Planning Obligations SPG which states:

5.66	<i>“Where a development appraisal indicates that the planning obligations should be reduced in order to make a scheme viable, any subsequent reduction in obligations is only likely to be justified where there may be planning merit and/or public interest in the site being developed, e.g. the development of a contaminated site or regeneration of an urban area. Each case will be considered on its own merits and any decision to reduce obligations will not constitute a precedent in relation to future development schemes”.</i>
5.67	Paragraph 4.8, regarding the prioritisation of planning obligations, is also relevant and goes on to state:
5.68	<i>“Where a reduction in planning obligations is agreed by the Council on the grounds of viability, the priority of each of the obligations will be determined on the basis of whether the proposed development would be considered so unacceptable without the obligation as to form a reason for refusal of the planning application. The assessment to make this judgement will be informed by evidence submitted to the Local Planning Authority by the Council Service Areas taking into account the site specific circumstances of the development and corporate priorities, for example priorities set out in the Council’s Community Strategy. The priorities for a specific scheme will be determined on a case by case basis. Where a case is made for reducing and prioritising planning obligations this will be clearly set out by the planning case officer in the planning report and accompanying recommendation for consideration by the Planning Committee”.</i>
5.69	The site is allocated as a housing commitment site under LDP Policy H1. Given it is a longstanding commitment that has not come forward during the adopted LDP plan period, involves the regeneration of previously developed land, and the applicant has provided viability evidence and secured CCR gap finding, it would be appropriate to consider reduced planning obligation contributions. The proposed contribution would prioritise education facilities and provide more than 60% of the requested contribution for primary and secondary education facilities.
5.70	It must be recognised that without meeting the full planning obligations required, the proposal would not fully meet its infrastructure needs and as such, may have a negative impact on local community facilities. However, this impact needs be balanced against the benefits of the delivery of residential development, the provision of 10% affordable housing and a financial contribution of £284,470 for education. In my opinion, any negative impact on local community facilities would not be significant enough to outweigh the

<p>5.71</p> <p>5.72</p> <p>5.73</p>	<p>regeneration benefits of the proposal. The alternative is to require the uplifted contribution and risk losing the scheme with all the benefits it brings.</p> <p>Leisure: Where there is quantitative deficiency in outdoor sport and play facilities, provision will be sought in conjunction with all new residential developments of 10 or more units, based on a minimum of 2.4 hectares of recreational open space per 1000 projected population. It has not been identified by Planning Policy that there is a deficiency in this area, nor have any requests been made by the Leisure Department. However, it is noted that a Local Area of Play (LAP) is proposed as part of this development proposal which might have offset any request from the Leisure Department. Further detail of how the LAP will be maintained will be required by condition.</p> <p><u>Conclusion</u> Whilst the proposed development fails to deliver the full amount of financial contribution requested for education requirements, evidence has been submitted which adequately demonstrates that the provision of such requirements would render the development financially unviable. However, it must also be acknowledged that the proposed development would deliver 8 affordable housing properties and currently the LDP is behind target in terms of the delivery of affordable properties and provide a sum of £281,470 towards education provision for the identified schools.</p> <p>In summary, the proposed residential development is considered acceptable in land use terms and would not have an unacceptable impact on the character and appearance of the surrounding area, the amenity of the surrounding properties or the safe, effective and efficient use of the highway network.</p>
<p>6. Legislative Obligations</p>	
<p>6.1</p> <p>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>

7. Conclusion and Recommendation

7.1 It is considered that the development proposal is, subject to conditions and a S106 agreement, acceptable and complies with relevant policies contained within the LDP. Accordingly, my recommendation is that planning permission be granted.

Recommendation 1: The applicant is requested to enter into S106 agreement in relation to the provision of educational contributions.

Recommendation 2: If the S106 agreement is signed that planning permission be granted subject to the conditions and informatives outlined below.

Recommendation 3: In the event that the applicant fails to make meaningful progress or enter into the agreement required by Recommendation 1 within 6 months of the date of this Committee, Members give delegated authority to the Service Manager Development Services to refuse the application based on reason(s) associated with the need for the agreement required by Recommendation 1.

Conditions:

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.

2. Approved Plans and Docs

3. Prior to commencement of development (excluding ground remediation works) the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

- iii) the management of the affordable housing;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing.

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

4. 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 gates, fences, walls or other means of enclosure (other than those expressly authorised by this permission) shall be erected within the curtilage of the dwelling houses.

Reason: In view of the need to retain effective planning control of the site in the interests of visual amenity.

5. No development shall commence on site until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide details of:

- the parking of vehicles of site operatives and visitors;
- traffic movements for the delivery of materials;
- wheel washing facilities;
- storage of plant and materials used during construction;
- the erection and maintenance of any security hoarding;
- measures to control the emissions of dust and dirt during construction;
- a scheme for the recycling/disposal of waste resulting from construction; and
- the siting and details of any construction compound.

Such details and measures as contained in the approved Statement shall be adhered to throughout the construction period.

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

6. No development 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 first agreed in writing by the Local Planning Authority.

Reason: In the interest of residential amenity.

7. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

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

8. No development at Plots 18, 65, 66 or 67 shall commence until;

a) further intrusive site investigations, carried out in accordance with authoritative UK guidance, have been undertaken to locate recorded mine shaft 313209-026 and to locate mine shaft 313209-025 or to demonstrate its absence from the site; and

b) a proposed layout plan identifying the positions of the recorded mine entries where located and suitable no build zones around these features, has been submitted to the LPA for approval in writing.

Development at Plots 18, 65, 66 or 67 shall then take place in accordance with the approved layout plan.

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

9. No development other than ground remediation works shall commence until remediation works and/or mitigation measures to address land instability arising from recorded mine shafts 313209-025 and 313209-026 and shallow coal mining legacy have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.

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

10. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and

stable for the approved development as a whole shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of the remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that any land stability issues are adequately dealt with and that ground stability issues are appropriately addressed. To ensure adequate regard has been given to ground conditions in carrying out development.

11. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 8, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures which shall be retained (for the period agreed in the remediation scheme/in perpetuity).

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

12. No development shall commence until an assessment of the nature and extent of any site contamination is undertaken in accordance with a methodology which must first be submitted to and approved in writing by the Local Planning Authority. Such an assessment shall include details of :-

- i) the nature, extent and type of any contamination and their impacts on land and controlled waters, and details of all potential source, pathway and receptor linkages;
- ii) in instances where a desk top assessment has demonstrated it to be necessary, the results of an intrusive site investigation report; and
- iii) any measures identified as necessary to treat/remove the contamination to ensure the site is fit for the proposed use.
- iv) an asbestos management plan.

The development hereby approved shall not be brought into use until all the measures identified as necessary to decontaminate the site, as contained in a report that is approved in writing by the Local Planning Authority, are implemented and the Authority is provided with a validation

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

Reason: The Local Planning Authority is advised that the site may be affected by contamination and considers it appropriate to assess the significance of such contamination before development can proceed.

13. If, during the course of development, any contamination is found which has not been identified in the site investigation required by condition 10 additional measures for the remediation of this source of contamination in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate all approved additional measures and shall be completed before the development hereby approved is brought into beneficial use.

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

14. Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made between manhole reference number SO13096804 and SO13097806 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

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.

15. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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.

16. A potable water supply shall be made from the 4" diameter watermain in location 313800, 209809 as indicated on the plan attached to the decision notice.

Reason: To ensure the site is served by an adequate potable water supply.

17. Prior to the laying of the first slab details shall be submitted to and approved in writing by the LPA of all informal pedestrian crossing facilities at all highway junctions and at designated crossing points at

pedestrian/cyclist desire lines, incorporating dropped kerbs and tactile paving.

Reason: In the interests of highway safety.

18. Notwithstanding the details indicated on the approved plans the rear boundary of Plot 77 must be set back a 1m away from the adjoining turning head/carriageway.

Reason: To ensure there is the required space for overhang of turning vehicles and to ensure the boundary will not be struck by turning vehicles.

19. Off-street parking provisions/garage for each dwelling are to be fully constructed prior to occupation of the dwelling they serve and are to be retained for such purposes at all times.

Reason: To ensure the parking needs of the development are adequately met.

20. All junctions, roads and footways are to be constructed to highway authority design standards and to a minimum of binder course with street lighting energised prior to occupation of the dwelling it serves.

Reason: In the interest of highway safety.

21. Prior to the laying of the first slab details of:

- a new off-site shared footpath/cycle path is (not shown on plans) linking from the development site towards Fair View/Maple Avenue;
 - full details of the shared footpath/cycle path (as shown on the approved plans) linking the site to the existing shared surface to Parc Bryn Bach;
 - details of a scheme to widen the existing footway on Gwent Way (not shown on the approved plans), linking from the new access road junction towards Stockton Way to 2.5m to where it links with the INM route into Parc Bryn Bach; and
 - A timescale for implementation of the above works;
- are to be submitted to and approved in writing by the Local Planning Authority. The approved highway improvement works shall be provided in accordance with the approved timescale for implementation.

Reason: To encourage sustainable travel movements from the development towards local facilities in Tredegar, providing wider access to existing Integrated Network Map (INM) active travel routes.

22. The approved Travel Plan is to be fully implemented, monitored and reviewed and details of a nominated development Travel Plan

Co-ordinator are to be submitted in accordance with the Plan prior to occupation of any dwellings.

Reason: In the interest of highway safety.

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

- Details of the siting and type of external lighting to be used;
- Drawings setting out light spillage in key sensitive areas, in particular the retained habitats along the south and west boundaries of the site;
- Details of lighting to be used both during construction and operation.

The lighting shall be installed and retained as approved during construction and operation.

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

24. Notwithstanding any details indicated on the approved plans, before works commence on site details shall be submitted to and approved in writing by the Local Planning Authority of any retaining walls/structures or works required in association with the construction of the development hereby approved. Any details of retaining walls/structures or works that will exceed 1.5m in height must also include a certificate signed by a suitably qualified engineer that shall verify the structural integrity of the proposed works. All works shall be undertaken and completed in full accordance with such details and specifications as may be approved before the dwellings to which they relate are brought into use.

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

25. The boundary enclosure indicated on the approved plans shall be provided before the dwelling(s) to which it relates is occupied and shall be retained as such at all times.

Reason: To protect the privacy and amenities of the occupants of the dwellings hereby approved and the visual amenities of the area.

26. Prior to the installation of any bin stores, sheds or other minor structures, details must be submitted to and approved in writing by

the Local Planning Authority and implemented in full accordance with such details as may be approved.

Reason: To ensure an acceptable form of development.

27. Prior to the laying of the first slab details of:

- the plant specification;
- ground preparation;
- timescale for implementation; and
- and management/maintenance plans for the landscape strategy hereby approved shall be submitted and approved in writing by the Local Planning Authority.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out/installed in accordance with the approved timescale for implementation. Any trees, shrubs or plants which within a period of 5 years from implementation of the planting scheme die, are removed or become seriously damaged or diseased, shall be replaced by one of the same species and size in the next available planting season.

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

28. Prior to the laying of the first slab details of the areas of the green public open space and LAP shall be submitted to and approved in writing by the Local Planning Authority. Details to include:

- i) Access to the area
- ii) Boundary treatments
- iii) Any structures i.e. benches/recreational equipment
- iv) Timescale for implementation
- v) Management details for a minimum of 5 years

The scheme as may be approved in writing by the Local Planning Authority shall be completed in full accordance with the approved details within the agreed timescales.

Reason: To ensure the provision of open space and the LAP is provided and managed in a satisfactory manner and does not prejudice residential amenities or the visual amenities of the area.

29. No development (with the exception of ground remediation works) shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed

in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

Informatives:

1. The developer is reminded of his/her obligation under the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 to give notification of commencement of development to the Local Planning Authority and to display a notice at all times when the development is being carried out.
2. This planning permission does not grant the right to close, alter or build over a right of way in any way, even temporarily, this includes, for example, a change in the surface, width or location. It is a criminal offence to obstruct a right of way unless the necessary legal order has been made, confirmed and brought into effect. The applicant is advised to contact the Team Manager of Natural Environment to discuss any amendments to the existing Public Rights of Way.
3. Should the ground investigations required by virtue of Condition 8 of this planning permission necessitate a revised layout to that approved, the applicant is advised that this is likely to result in the need for the submission of further planning applications.
4. 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.
5. The Highway infrastructure serving the proposed development is to be constructed in accordance with Blaenau Gwent's 'Residential, Industrial and Commercial Estate Roads Design Guide' and be subject of a Section 238/38 agreement under the Highways Act 1980. The Highway Authority considers this development will be designated as a 'Home Zone' and appropriate provisions made to comply with design criteria as

advised in Manual for Streets. A speed limit of 20 mph is to be implemented for the proposed development, with appropriate highway signage incorporated.

6. 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
7. The proposed development site is crossed by a public sewer with the approximate position being marked on the Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the sewer. The applicant is advised to contact Dwr Cymru Welsh Water to discuss this matter further. The applicant is also advised that some public sewers and lateral drains may not be recorded on our 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
8. 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 our Dwr Cymru Welsh Water's new connections team on 0800 917 2652 for further information on water and sewerage connections.

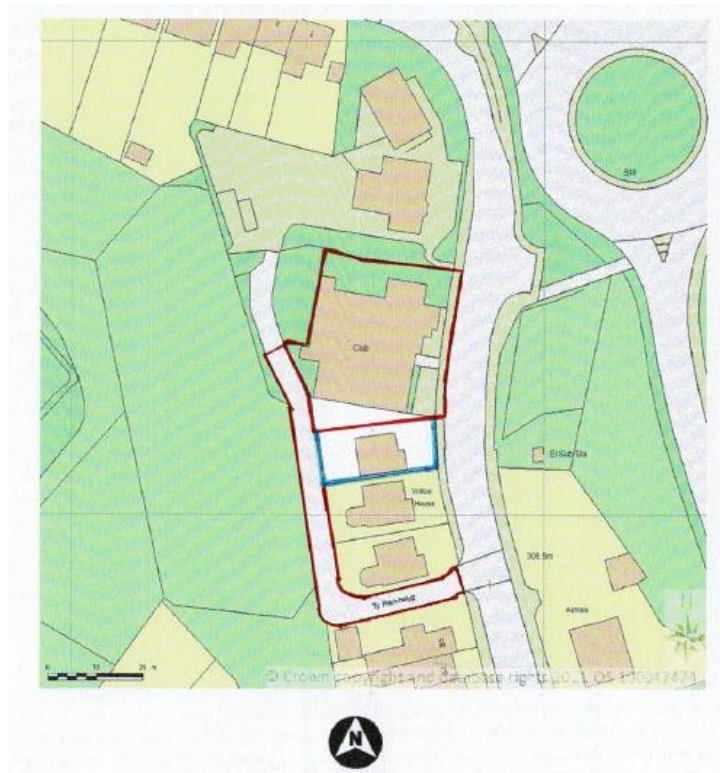
9. The applicant is advised to make provision for the charging of electric vehicles for each plot.
10. In preparation for the details required under Condition 25 for the planting specification, the trees must be of an advanced stock for immediate impact.
11. Hedgehog passes in the development boundaries and between gardens should be provided. Passes are a 13x13cm hole cut to enable access for hedgehogs. Consider the use of bee bricks <https://www.greenandblue.co.uk/products/bee-brick> to be incorporated in the buildings design.
12. All wild birds, their nests and their eggs are protected under the Wildlife and Countryside Act 1981 (as amended). All British bat species are protected under the Conservation of Habitats and Species Regulations 2010 (as amended), known as the 'Habitats Regulations'. Under the Habitats Regulations, it is an offence if you:
 - Deliberately capture, injure or kill any wild animal of a European Protected Species,
 - Deliberately disturb wild animals of any such species,
 - Damage or destroy a breeding site or resting place of such an animal.
13. The Written Scheme of Historic Environment Mitigation should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.
14. Invasive species confirmed on site: cotoneaster horizontalis and cotoneaster bullatus) and listed on schedule 9 of Wildlife and Countryside Act 1981. Therefore, they will need to be eradicated from site prior to work commencing and to prevent further spread.

8. Risk Implications

8.1	None.
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Planning Report

Application No: C/2022/0117	App Type: Full
Applicant: Mr Joe Leddington Rhoslan 3 Church Street Blaenau Gwent NP22 4PE	Agent: Architecturol.Com Mr Paul Rolley 7 Fulmar Close Lavernock Park Penarth Vale of Glamorgan Penarth CF64 5FE
Site Address: THE WILLOWS CLUB, CHURCH STREET, TREDEGAR, NP22 3DS	
Development: Demolish existing social club and erect (2 x pairs) of semi-detached, 3 bed dwellings with off road parking	
Case Officer:	Sophie Godfrey



1. Background, Development and Site Context

1.1 This application seeks full planning permission for the demolition of the existing social club and the erection of 2 x pairs of semi-detached, 3 bed

dwellings with off road parking. The site currently consists of the Willows Social Club located on Church Street within the settlement boundary of Tredegar. The public highway of Church street followed by the A4048 are found to the east of the site, residential dwellings are to the south, a rear lane followed by Deighton Playing Fields is to the west and a vacant office building is to the north.



Figure 1.1 Existing Social Club

1.2

The site is rectangular in shape, measuring approximately 37 metres in width and a maximum of 32 metres in depth. The dwellings would face eastwards onto Church Street with rear access provided off the lane to the west of the site for Plots 1 and 2?. There are 4no. TPO'd trees found to the east/south east boundary which will be retained.

1.3

Plots 1 and 2 would benefit from front gardens, with 2no. parking spaces provided for each dwelling to the rear of the site. Plots 3 and 4 would have 2no. parking spaces to the front of the properties accessed off Church Street. All the properties would benefit front rear amenity space.

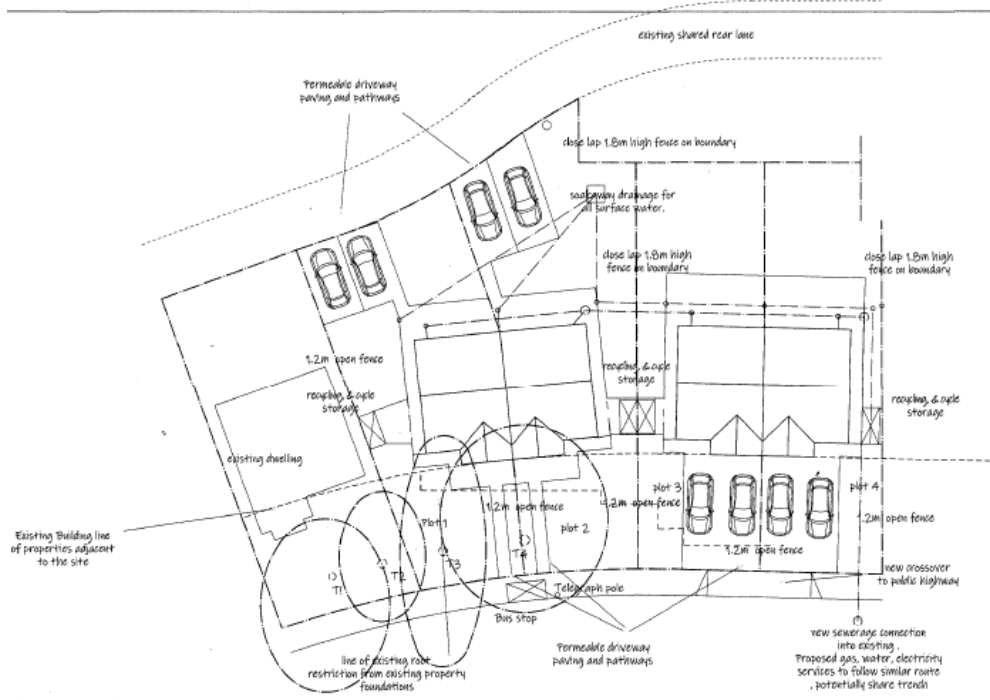


Figure 1.2 Proposed Site Plan

1.4

The properties would be two storey, semi-detached dwellings with front gables to the centre. The proposed floorplans indicate that there will be a lounge, kitchen, dining room and wc to the ground floors and 3no. bedrooms and a bathroom to the first floors. Each dwelling would have a footprint of 6 metres in width and 9 metres in depth. Plans submitted indicate that the ridge height of the dwellings would be approximately 8.4 metres.

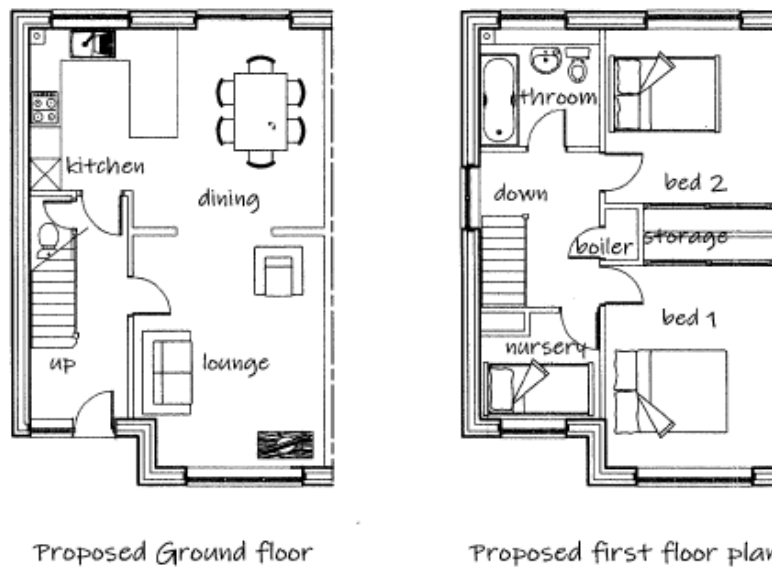


Figure 1.3 Proposed Floor Plans

1.5 Finishes will comprise of brickwork and render to the walls, concrete roof tiles and white/grey upvc fenestration. The driveways/parking areas will be finished in permeable paviors. Boundary treatments include 1.2m high open fences between the front gardens of the properties and to the southern boundary and 1.8m high close lap fences to the northern boundary, on the boundaries between the properties to the rear gardens and to the rear boundary of plots 3 and 4.



Figure 1.4 Proposed Front Elevations

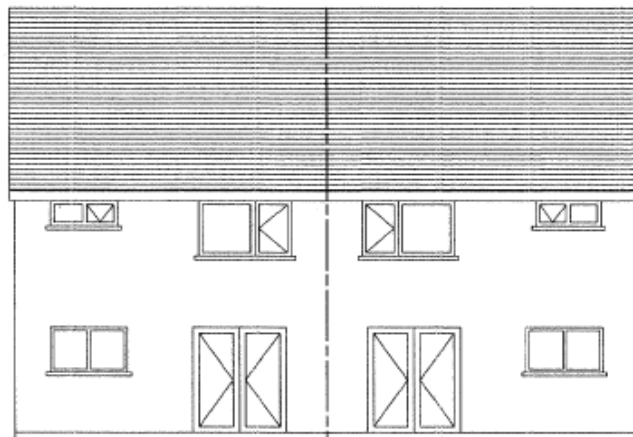


Figure 1.5 Proposed Rear Elevations

1.6 This application is being presented to committee as several objections have been received from neighbouring properties, which raise some concerns that are considered to be of wider public interest.

2. Site History			
	Ref No	Details	Decision
2.1	64	Internal alterations/ single storey ext and toilet	Approved 13/06/74
2.2	189	Extension to hall, construction of toilet block	Approved 13/02/75
2.3	3136	Ext for new toilet block/ ext to concert room	Approved 05/02/81
2.4	4299	Erection of single storey extension	Approved 24/01/83
3. Consultation and Other Relevant Information			
3.1	<u>Internal BG Responses</u>		
3.2	<u>Service Manager Infrastructure:</u> Highways: No objection subject to conditions. The applicant is required to contact the highway authority to complete the necessary dropped kerbs and footway strengthening works for the proposed new vehicular driveways for plots 3 & 4. Should the existing informal pedestrian crossing be affected by the proposed driveways, this will need to be repositioned at the cost of the developer.		
3.3	<u>Drainage:</u> No objection. Full SuDs approval required.		
3.4	<u>Ground Stability:</u> No objection in principle. The developer should adhere to the recommendations made in the CMRA.		
3.5	<u>Landscape & Arboriculture:</u> No objection.		
3.6	<u>Ecology:</u> No objection subject to the provision of a sensitive lighting plan and compliance with the recommendations made in the provided bat survey.		
3.7	<u>Service Manager Public Protection:</u> No objection subject to an asbestos survey being carried out prior to demolition, submission of a CEMP, and addition of conditions restricting construction hours and the standard land contamination condition.		
3.8	<u>Tourism:</u> No objection.		

3.9	<u>External Consultation Responses</u>
3.10	<u>Town / Community Council:</u> No objection.
3.11	<u>Welsh Water:</u> No objections subject to standard conditions/informatives.
3.12	<u>Western Power:</u> Identified Assets in the vicinity
3.13	<u>W&W Utilities:</u> Identified Assets in the vicinity
3.14	<u>Coal Authority:</u> No objection subject to conditions requiring an intrusive site investigation, associated remedial works where necessary and verification that such works have been carried out.
3.15	<u>Public Consultation:</u> <ul style="list-style-type: none">• 5 letters to nearby houses• 1 site notice• website public register of applications• ward members by letter• all members via weekly list of applications received
3.16	<u>Response:</u> Six letters of objections were received, and a petition was received signed by 144 people who are said to be club attendees or people from the local area. The concerns raised are summarised as: <ul style="list-style-type: none">• Every social meeting place in the Sirhowy area has been knocked down or changed its business and now we have the prospect of losing The Willows. The Coach and Horses is still open but for the objector isn't an option. There are very limited accessible public houses in Tredegar.• The Willows has been a saviour, helping with a sense of feeling normal and belonging due to its accessibility.• A community pub is crucial to so many local people. How can houses benefit more than a community pub, that gives to so many more people? The Club has a male and female darts team, a pool team, angling club and a quiz night that donates to charity.

- Prior to covid, Saturday nights were for the old time dancers and bingo who unfortunately have yet to return but as covid confidence grows these people will hopefully still have somewhere to meet up.
- To allow this building to be demolished would have a massive detrimental effect on so many.
- The club is in effect a community hub used by all age ranges and a number of societies and other functions including charity fundraiser events for the local community's benefit are held there. An important recent addition to those listed is that the club now commenced an activity as a hub for a community drop in centre which will comprise a food bank and outlet for clothes and other general unwanted items for re-distribution locally.
- Usage at the club has been enhanced as shown in the attendance sheet signatures.
- The access proposed to the rear of the club is considered unsuitable in its present condition for the vehicular activity needed to support four dwellings and considerable upgrading works would be required to bring the same to highway adoption standards.
- The club has never ceased trading and could be described as thriving.
- The access lane at the rear of the willows club belongs to the property of the grove. The Willows club has an existing right away to use the lane to access the rear of the club. No permission has been requested for the lane to be used for the proposed new build properties (C/2022/0117), we only previously agreed for the lane to be used for the last property built (C/2018/0269).
- The lane is unsuitable in its current form to serve the proposed extra houses. The lane may possibly need to be widened to allow two vehicles to pass. If this goes ahead in its current form it may cause us issues in the future if we "the owners of the lane" wish to further develop the property at The Grove themselves.
- The front elevation drawing seems to indicate that the land will gently slope away from "The Grove" building. This is not correct there is a difference in ground levels between the grounds of "The Grove" and "The Willows" of approximately 1+ Meters, also there are two mature TPO Trees on the boundary of the property, A small retaining wall is required in order to sufficiently support the higher ground.
- The plan of the site shows a gap in the rear boundary fence in the top right hand corner, can this be clarified?
- One objector disputes the statement that requisite notice has been served on the as a land owner.

	<p>A further petition/attendance sheets were received to show the usage of the club on the dates of 7th (signed by 6 people), 11th (signed by 32 people) and 12th February (signed by 38 people).</p>
<p>4. Planning Policy</p>	
4.1	<p><u>Team Manager Development Plans:</u></p>
4.2	<p>Following initial consultation, Planning Policy confirmed that there is no strict definition of what a community facility is, however the Community Facilities Background paper prepared as part of the Local Development Plan evidence base did not focus on social clubs /public houses but instead focussed on community centres, schools, libraries, health buildings, and cemeteries. Nevertheless, PPW 11 (paragraph 4.3.41) states that the economic and social function of public houses should be taken into account when considering applications for a change of use into residential. In addition, given that the building is important to the health and wellbeing of the settlement, Planning Policy therefore requested that the applicant prepares a short statement to meet the requirements of policy DM11 and PPW 11 to demonstrate that the building is surplus to requirements.</p>
4.3	<p>Following receipt of further information, Planning Policy confirmed they are satisfied with the information provided by the applicant and it has been demonstrated that the building is surplus to requirements, and therefore meets the requirements of policy DM11.</p>
4.4	<p><u>LDP Policies:</u> SP5 – Spatial Distribution of Housing SB1 – Settlement Boundaries DM1 – New Development DM2 – Design and Placemaking DM11 – Protection of Community and Leisure Facilities DM16 – Trees, Woodlands and Hedgerow Protection</p>
4.5	<p><u>Supplementary Planning Guidance</u> Access, Car Parking and Design (March 2014) Supplementary Planning Guidance</p>
4.6	<p><u>PPW & TANs:</u> Future Wales 2040 Planning Policy Wales 11 (February 2021)</p>

4.7	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	<u>Demolition of Existing Social Club</u>
5.2	The application includes the demolition of the existing social club. No details have been provided regarding the demolition process, as such the Environmental Health Officer has requested a condition is applied to this permission requiring the submission of a construction and environmental management plan (detailing means of noise and dust mitigation) prior to commencement of the development, and a condition restricting construction hours. This is considered a reasonable request and I am satisfied that with the imposition of these conditions the demolition would not have a detrimental impact on surrounding properties.
5.3	<u>Loss of community facility</u> Policy DM11 of the LDP - 'Protection of Community and Leisure Facilities' states that proposals that would result in the loss of a community and/or leisure facility will not be permitted unless a replacement facility is provided by the developer either on site or in accessible location; or it can be demonstrated that the facility is surplus to requirements. It is noted that a significant number of objections and petition signatures have been received to the proposal demonstrating that the social club is an important building to the local community, and is still in use.
5.4	There is no strict definition within Policy DM11 of the LDP of what a community facility is, however the Community Facilities Background prepared as part of the LDP evidence base did not focus on a social clubs /public houses but instead focussed on community centres, schools, libraries, health buildings, and cemeteries. Nevertheless, PPW 11 (paragraph 4.3.41) states that the economic and social function of public houses should be taken into account when considering applications for a change of use into residential. In addition, given that the building is important to the health and wellbeing of the settlement, Planning Policy requested that the applicant prepares a short statement to meet the requirements of policy DM11 and PPW 11 to demonstrate that the building is surplus to requirements.

5.5	<p>In response to this the applicant provided information stating that they have owned the Willows Social Club since early 2000s. During this time there has been a gradual decline in the attendance figures at the club. Whilst there is a very small number of regular customers, who attend for brief visits for an hour or two on an irregular occasions, the COVID pandemic has made running the social club impossible. The owners cannot afford to take a realistic salary as turnover and more importantly the profits do not cover the costs.</p>
5.6	<p>I note that a number of objectors state that the club holds regular pub quiz nights which raise money for charities, has darts and pool teams and holds wedding and funeral receptions etc. Local residents believe the club is thriving and have submitted a petition/attendance sheets signed by local residents who attended the club on three separate occasions. However, the applicant has stated that pre-pandemic the club held regular social evenings with entertainment to encourage community involvement and attendance and to drum up business, but this has declined to almost zero, with the lack of community involvement and attendance. They have funded their own attempts to encourage participation with functions and activities like senior citizen bingo but there was no success. The club would once on average have 5+ wedding functions a year, however their calendar is currently free of bookings. As the club is no longer financially viable, the current owners intend to occupy the proposed dwellings, so they can remain in the community, and offset their losses from running and maintaining the club.</p>
5.7	<p>Planning Policy have been consulted on this information and confirmed that they are satisfied that the information provided by the applicant has demonstrated that the building is surplus to requirements, and therefore meets the requirements of policy DM11.</p>
5.8	<p>The Council's Tourism Officer has also commented on the application confirming that it is sad to see the closure and demolition of another social club and event venue. While the immediate area lacks a similar facility there are other venues within the town. No doubt the closure and demolition will impact on the community but this is a reflection on the current economic climate and the past 2 years of pandemic that have had a massive impact on this sector and such losses are inevitable. On this basis they have no objection to the proposal.</p>
5.9	<p>In summary the demolition of the Club is considered acceptable subject to conditions to ensure that there is no unacceptable impact on residential amenity arising from the demolition works.</p>

5.10	<u>Principle of Development</u>
5.11	The site is located within the Local Development Plan (LDP) Tredegar settlement boundary, as defined by Policy SB1, within which development is normally permitted subject to other policies in the Plan and other material considerations.
5.12	Future Wales - the National Plan 2040 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 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. It also promotes a plot-based approach to development, which provides opportunities for the development of small plots, including for custom and self-builders. Being mindful of the nature of the proposal, its location and access to public services, the application is considered compliant with these policies.
5.13	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 Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.
5.14	The site is located within a predominantly residential area and therefore the principle of residential development is considered acceptable and aligns with both local and national planning policy.
5.15	<u>Layout, Scale and Design</u>
5.16	The site is located in a well-established residential area. Having visited the site, I do not consider that the proposed dwellings would be incongruous to the overall street scene of Church Street or the wider landscape. In considering the scale, form and design of the proposal, I note that the immediate area comprises of a variety of designs including detached, semi-detached and terraced dwellings. The majority of the surrounding dwellings appear to be two storey, therefore the proposal will not be out of context with the character of the area. The proposed dwellings would follow the building line of the adjacent

	<p>properties to the south of the site. Whilst the proposed dwellings would be slightly taller (approximately 0.4metres) than the adjacent properties to the south, they would be at a lower height than the property to the north, therefore will introduce an incremental increase in ridge height which is considered acceptable.</p>
5.17	<p>The dwellings would be finished in brickwork and render to the walls, concrete roof tiles and white/grey upvc fenestration. There are a variety of materials found in the surrounding area, with the predominant finishes being brickwork and render, as such the materials are considered acceptable in principle. However, as no specific details have been provided in terms of colours etc. a condition has been applied requiring details of finishes. The proposals would have front gables to the centre of the pair of semis. Front gables are a common feature in the surround area, therefore the design would be in keeping with the streetscene.</p>
5.18	<p>Plots 1 and 2 would have smaller rear amenity spaces than plots 3 and 4 due to part of the rear gardens being allocated for parking spaces. However, it is considered that sufficient outdoor amenity space would be afforded to any future residents.</p>
5.19	<p>Boundary treatments would consist of 1.2m high open fences between the front gardens of the properties and to the southern boundary, and 1.8m high close lap fences to the northern boundary, on the boundaries between the properties to the rear gardens and to the rear boundary of plots 3 and 4. These boundary treatments are considered acceptable, however in order to protect the required visibility splays, a condition has been applied removing permitting development rights and restricting the height of boundary treatments forward of the front elevation of the dwellings.</p>
5.20	<p>The proposal is therefore considered acceptable in design terms and accords with LDP Policies DM2(a) and DM1(2)a and b.</p>
5.21	<p><u>Neighbouring Amenity</u> There are no residential properties in close proximity to the north, east or west of the site that would be impacted by the proposal. The proposed dwelling at plot 1 would be approximately 5 metres from the neighbouring property to the south. It is acknowledged that the properties would be in close proximity, however as the proposed dwellings would be at a similar height and depth as the existing, I consider the impact of overshadowing or overbearing caused will be negligible.</p>

5.22	<p>There are no habitable windows on the northern side elevation of the existing dwelling to the south of the site. There is 1 no. first floor window proposed on the south elevation of the dwelling at plot 1, however as this window would serve a landing area and would not face towards any openings on the adjacent property to the south, it is not considered that there would be an increased level of overlooking. There are habitable windows proposed to the rear elevation, however due to the orientation of the properties, being angled away from the existing properties to the south, there would not be an unacceptable level of overbearing or overlooking detrimental to neighbouring amenity.</p>
5.23	<p>There are no concerns regarding loss of privacy, overbearing or overshadowing upon the neighbouring amenity as a result of the development and no objections have been received. I am therefore satisfied that the development accords with LDP Policy DM1(2)c.</p>
5.24	<p><u>Highways</u> The Highways Manager has been consulted on the application and confirmed that the planning application complies with Policy DM 1 (3d) and there are no objections subject to the following:</p> <ol style="list-style-type: none">1. Each dwelling is not to be occupied until its corresponding off-street parking provision is fully constructed. These are to be retained thereafter.2. It is noted that the proposal indicates a 1.2m open fence between driveways for plots 3 & 4. No boundary treatments adjacent to driveways are to exceed 1.0 meter in height in order to maintain adequate visibility splays.
5.25	<p>The applicant is also required to contact the highway authority to complete the necessary dropped kerbs and footway strengthening works for the proposed new vehicular driveways for plots 3 & 4. Should the existing informal pedestrian crossing be affected by the proposed driveways, this will need to be repositioned at the cost of the developer. As such, subject to these conditions, it is considered the proposal would not have a detrimental impact on highway safety.</p>
5.26	<p>Neighbouring objections have been received in regards to the suitability of the rear access lane to serve the proposed additional houses and whether the lane may possibly need to be widened to allow two vehicles to pass. Whilst these comments are noted, the Council's Highways Manager considers the lane will provide adequate access for plots 1 and 2, therefore the proposal is considered acceptable.</p>

5.27	<p><u>Ecology</u></p> <p>As part of the application an Ecological Survey Report (Just Mammals, June 2022) has been submitted. The property has been identified as a bat roost for common pipistrelle bats. As such, an EPS Licence will be required from NRW prior to commencement of works.</p>
5.28	<p>Mitigation, enhancement and recommendations have been set out in section 10 of the report. Provided these are implemented successfully, and a sensitive lighting plan is submitted, the Council's ecologist is satisfied that there should be no long term negative impacts to bats.</p>
5.29	<p><u>Three Tests</u></p> <p>As identified above, European Protected Species will be affected by the development and it has been established that a License from Natural Resources Wales will be required to implement the consent. The Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (as amended) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests have been considered in consultation with the Council Ecology Officer as follows:</p>
5.30	<p>(i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.</p>
5.31	<p><i>The proposed development will result in the demolition of a building that is no longer commercially viable, and has the potential to become vacant and fall into dereliction. It would contribute to the Blaenau Gwent's housing stock, which could give rise, albeit indirectly, to some local social and economic benefit by further enhancing the fabric of the surrounding area, providing housing that is of modern day standards. and would help prevent potential vandalism of the building should it become vacant.</i></p>
5.32	<p>(ii) There is no satisfactory alternative</p>
5.33	<p><i>The 'do nothing' scenario has been considered and rejected as the applicant has confirmed the use of the property as a social club is no longer financially viable, therefore there is the potential for the building to become redundant and fall into disrepair.</i></p>

5.34	(iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
5.35	<i>The Council's Ecologist is satisfied that subject to the recommendations of the bat survey being implemented and the submission of a sensitive lighting plan, then there should be no negative impacts on biodiversity as a result of the proposed development.</i>
5.36	<p><u>Landscape and Trees</u></p> <p>To the east/south east of the site there are 4no. TPO'd trees protected by TPO BG 37, dated 13th July 1995. The Council's Arboriculture Officer was consulted on the application and confirmed the trees are mature, dominant and in reasonable health and make a significant contribution to the landscape being visible from several public vantage points and particularly from the A4048 bypass. All 4 lime trees must be retained and protected as part of the proposed demolition and development.</p>
5.37	The applicant submitted an Arboricultural Impact Assessment & Method Statement and the Council's Tree Officer confirmed he is satisfied that the development can be achieved without detriment to the 4 TPO'd trees providing the Arboricultural Impact Assessment & Method Statement is followed. Any requirement for variance from the method statement must reported to and approved by the LPA's Arboricultural Officer prior to any action on site. Subject to a condition requiring compliance with the submitted Arboricultural Impact Assessment & Method Statement, the proposal is considered acceptable.
5.38	<p><u>Environmental Health</u></p> <p>The Council's Environmental Health Officer has been consulted on the application and confirmed that they have no objection subject to conditions requiring that prior commencement of development, a pre demolition asbestos survey is carried out and a construction and environmental management plan (detailing means of noise and dust mitigation) is submitted. They have also requested conditions restricting construction hours and the standard land contamination condition are applied. Such conditions have been attached to this permission.</p>
5.39	<p><u>Drainage</u></p> <p>The Council's Drainage Manager has confirmed they have no objections, however the application will require a full SAB application. An informative has been applied to this permission informing the applicant of this duty.</p>

5.40	Welsh Water has confirmed that they offer no objection to the development. However, advise a condition is applied requiring 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. A condition to this effect has been applied to this permission.
5.41	<u>Ground Conditions</u> The site falls within a High Risk Area, therefore the applicant has submitted a Coal Mining Risk Assessment Report (November 2022, prepared by Terra Firma) on which The Coal Authority have been consulted.
5.42	The Coal Authority has confirmed that they are concerned that the supporting Coal Mining Risk Assessment Report does not adequately address the risk posed by coal mining legacy to the proposed development. They consider that further investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. Subject to the application of a pre-commencement condition requiring a scheme of intrusive investigations to be undertaken and any remedial/mitigation measures to be carried out, they have no objections to the proposal.
5.43	The Council's Geotechnical Officer has also been consulted on the application and confirmed there are no objections in principle. The developer should adhere to the recommendations made in the CMRA.
5.44	<u>Other matters</u> A number of the objections received have been addressed under the relevant matters above. The remaining objections are considered separately below.
5.45	An objection has been received regarding permission for the use of the access lane at the rear of the Willows Club which belongs to the property of The Grove. The Willows Club has an existing right away to use the lane to access the rear of the club. Whilst these comments are noted, as the rear lane is a right of way to provide access to the Willows Club, this right of way would remain for the site. Any further disputes regarding access would be a civil matter.
5.46	Comments regarding the difference in ground levels between the grounds of "The Grove" and "The Willows" of approximately 1m+ and the need for a retaining wall on this boundary are noted. A condition will be imposed that will require details of any necessary retaining walls.
5.47	Comments have also been received stating that the required ownership requisite notice has not been served on other land owners. The submitted

	application form states notice was served on 13 th April 2022, and the applicant has further confirmed that notice was served on the owners of the land. This is considered to satisfy the requirements of the planning application.
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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	<p>In conclusion, I am satisfied that the development is acceptable, and accords with LDP Policies SP5, DM1, DM2, DM11 and DM16. The proposal would not have a detrimental impact upon neighbouring amenity, streetscene, trees or on the provision of community or leisure facilities. I therefore recommend approval accordingly.</p> <p>In light of the above report, the application is considered to accord with LDP Policies SP5, DM1, DM2, DM11 and DM16 and it is recommended that planning permission be <u>GRANTED</u> subject to the following condition(s):</p> <ol style="list-style-type: none"> 1. The development shall begin not later than five years from the date of this decision notice. <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"> 2. The development shall be completed in full accordance with the following approved plans and documents: <ul style="list-style-type: none"> • Site Location Plan, recorded received 2nd May 2022; • Proposed Site Plan, drawing no. 002 Rev A, recorded received 30th June 2022; • Proposed Elevations and Floor Plans, drawing no. 003, recorded received 13th April 2022;
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- Proposed Handed Floor Plans, drawing no. 003a, recorded received 25th April 2022;
- Proposed Streetscene, drawing no. 004, recorded received 13th April 2022;
- Ecological Survey Report, Just Mammals Limited, dated June 2022;
- Arboricultural Impact Assessment & Method Statement, Mackley Davies Associates Ltd, dated 27th October 2022;
- Coal Mining Risk Assessment, Terrafirma, dated November 2022

Reason: To clearly define the scope of this permission.

3. 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.

4. No development shall commence (excluding the demolition of existing structures and site clearance) until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: Coal mining legacy on the site poses a potential risk to the proposed development. Further investigations are required, along with remedial measures, in order to ensure the safety and stability of the proposed development.

5. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the

approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: Coal mining legacy on the site poses a potential risk to the proposed development. Further investigations are required, along with remedial measures, in order to ensure the safety and stability of the proposed development.

6. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 4, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures which shall be retained (for the period agreed in the remediation scheme/in perpetuity).

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

7. Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Verification Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

8. 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.

9. 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 first agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

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

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

11. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in

writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

12. All tree and/or hedgerow protection works shall be implemented in full accordance with the details and recommendations as set out in the approved Arboricultural Impact Assessment & Method Statement by Mackley Davies Associates Ltd dated 12th October 2022.

Reason: To ensure adequate protection of the landscape features of the site.
13. The car parking areas 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. The off street parking spaces 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.

14. 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.

Reason: To safeguard the visual amenities of the area.

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

Reason: In the interests of visual amenity, to safeguard the appearance of the area and in the interests of highway safety.

16. The ecological/biodiversity recommendations/enhancements as outlined in Section 10 of the 'Ecological Survey Report (Just Mammals, June 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.

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

Reason: To clearly define the scope of this permission.

18. Notwithstanding any details indicated on the approved plans, no external lighting shall be erected until details of the type and design of the lighting has been submitted to and approved in writing by the LPA. The lighting shall then be erected in full accordance with such details before the development is brought into beneficial use.

Reason: To ensure any lighting does not adversely affect protected species and are visually acceptable.

19. 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.

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.

Informatives:

1. Warning: An European Protected Species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites and resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/protected-species->

[licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en](https://www.blaenau-gwent.gov.uk/en/resident/planning/how-to-apply-for-planning-permission/permission-for-drainage/)

2. 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

3. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property. The applicant should note that Permission is required from the Permit and Licensing Team before undertaking any activity, such as ground investigation and remedial measures, which may disturb Coal Authority property. Any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

4. 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.

5. The applicant is required to contact the highway authority to complete the necessary dropped kerbs and footway strengthening works for the proposed new vehicular driveways for plots 3 & 4. Should the existing informal pedestrian crossing be affected by the proposed driveways, this will need to be repositioned at the cost of the developer.

6. 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

	<p>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</p> <p>7. The applicant is also advised that some public sewers and lateral drains may not be recorded Welsh Waters maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.</p>
<p>8. Risk Implications</p>	
<p>8.1</p>	<p>None.</p>

Planning Report

Application No: C/2023/0055	App Type: Variation of Condition
Applicant: Mrs Karen Akinci 74 King Street & Calebs Cottage Brynmawr NP23 4RG	Agent: Mr Stephen Traves 4 Rotherwas Close Hereford United Kingdom HR2 6RG
Site Address: 74A & Caleb Cottage, King Street, Brynmawr, NP23 4RG	
Development: Application for variation of conditions 2 and 4 to amend parking provision of planning permission C/2022/0186 (Change of use of ground floor offices and first and second floor living accommodation to create two dwellings plus conversion and change of use of Calebs cottage to one dwelling together with associated external, creation of garden and provision of parking).	
Case Officer:	Sophie Godfrey



1. Background, Development and Site Context

- 1.1 On 8th September 2022 planning permission was granted by the Planning Committee for the 'Change of use of ground floor offices and first and second floor living accommodation to create two dwellings plus conversion and change of use of Calebs cottage to one dwelling together with associated external, creation of garden and provision of parking' (C/2022/0186 refers) at 74A and Calebs Cottage, King Street Brynmawr. This application seeks to vary conditions 2 and 4 to amend the previously approved parking provision and provide additional amenity space.
- 1.2 74A King Street consists of a mid-terrace, two storey property with accommodation provided within the roof slope through 2 pitched roof dormers. Calebs Cottage is found to the rear of 74A King Street and comprises of a two storey stone cottage. The cottage is attached to the rear elevation of 74A King Street by a single storey extension. The site is within the settlement of Brynmawr.
- 1.3 The ground floor of the property is at a higher level than road level and is accessed via steps to the front elevation.



Fig. 1.1 Existing Property at 74 A King Street

1.4 The property at 74 A King Street would be split vertically, with each proposed dwelling benefiting from a lounge and kitchen/diner at ground floor level, 2no. bedrooms and a bathroom at first floor bedroom and a study/storage area at second floor. The existing dormers are proposed to be increased in size and finished with cedar cladding.

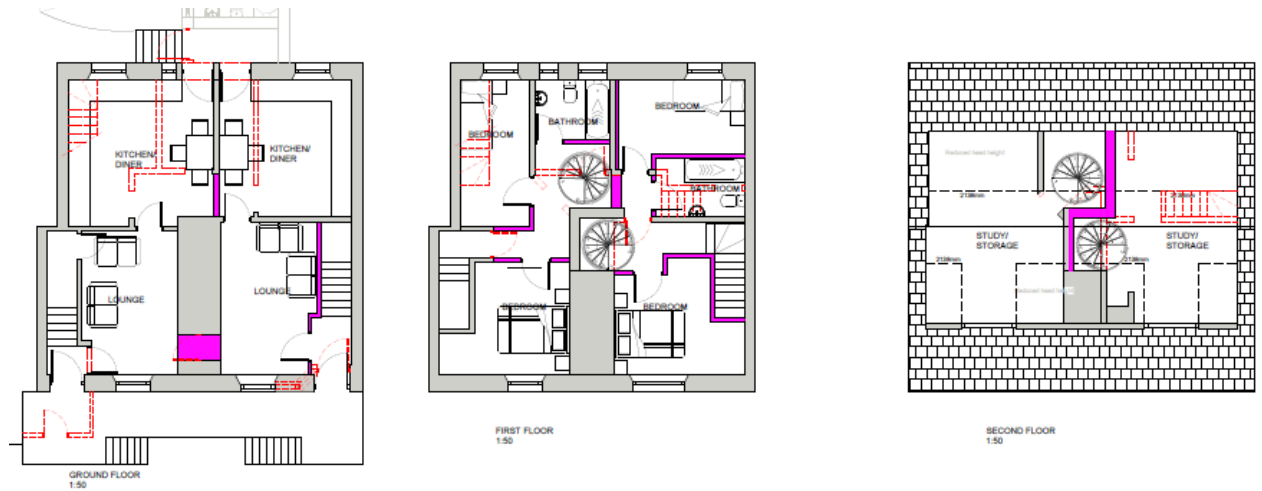


Figure 1.2 Proposed Floor Plans for 74 A King Street

1.5 There are 2 existing porches to the front elevation of the property which are to be removed and replaced with new front doors. The reduced opening width would be finished in stonework to match the existing building. The existing windows are proposed to be replaced with uPVC windows. The stepped entrances and steel balustrading are to remain.

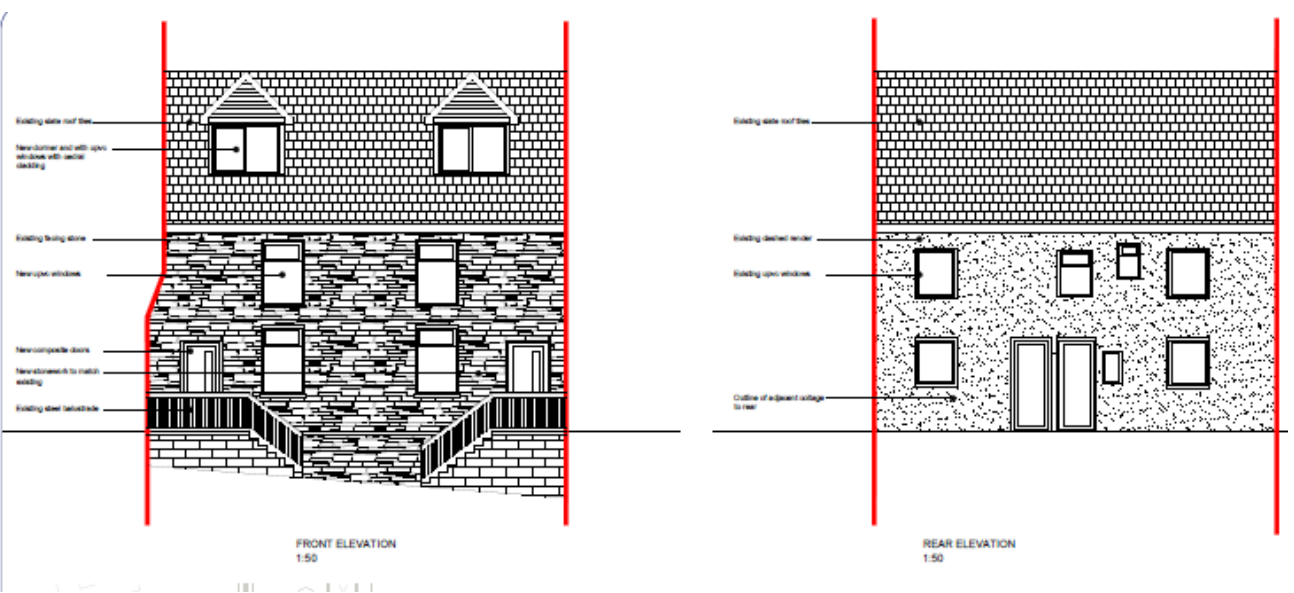


Figure 1.3 74A King Street Proposed Elevations



Figure 1.4 Existing front elevation of Caledon Cottage

1.6 The property known as Caledon Cottage would comprise of a lounge/kitchen and bathroom at ground floor and 1 no. bedroom at first floor.

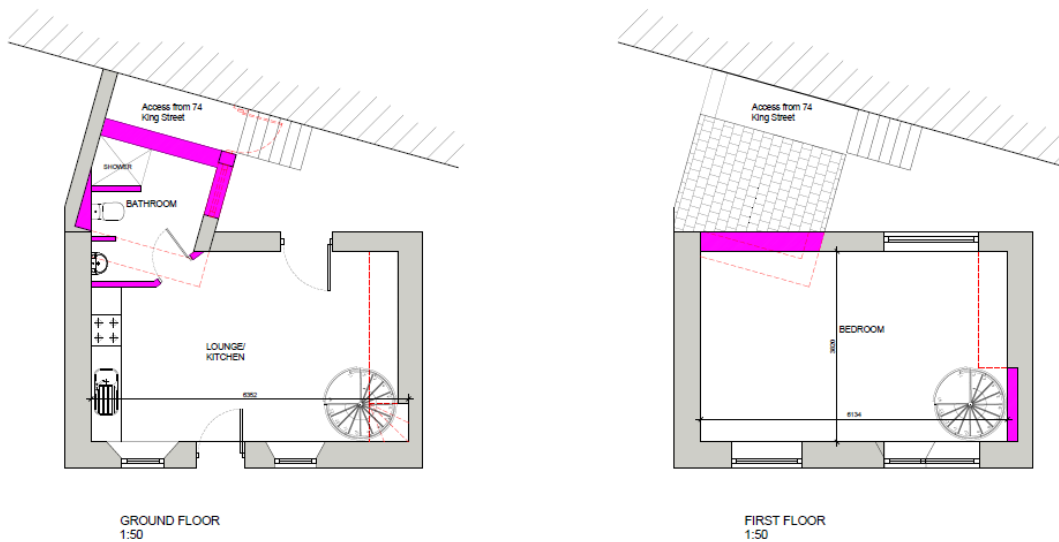


Figure 1.5 Caledon Cottage Proposed Floor Plans

1.7 Proposed external alterations comprise of new apex features to the front elevation, a reduction in the size of the first floor window openings with new timber frame windows inserted and a reduction and alteration to the existing extension that currently connects the property to 74A, to allow the resulting dwellings to be used independently.

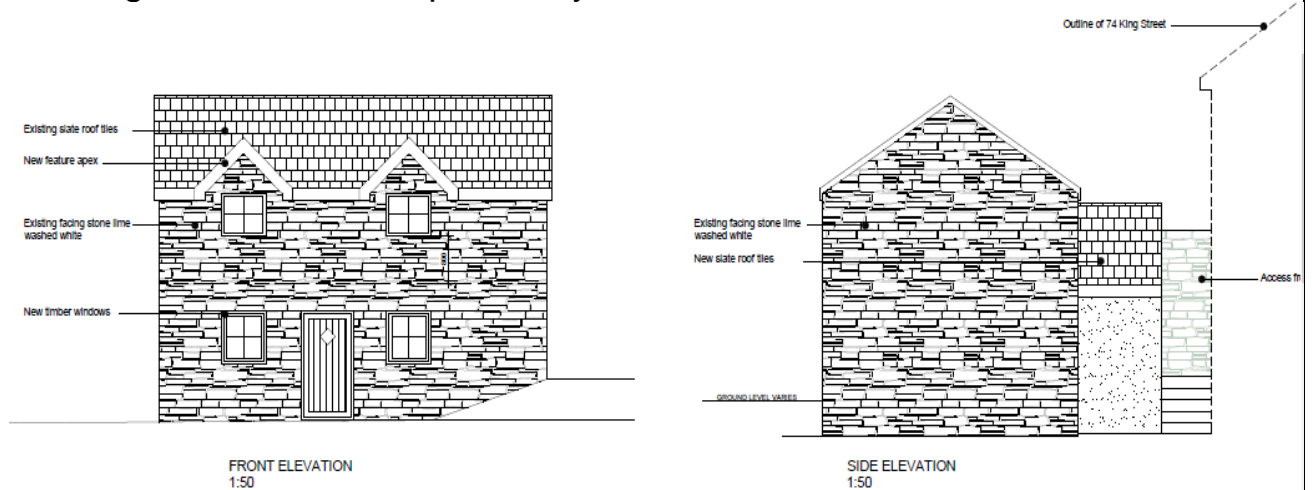


Figure 1.6 Proposed Elevations for Cabels Cottage

1.8 The only amendments proposed to the previously approved application are to the rear of the application site, whereby it is proposed to reduce the number of parking spaces from 6 to 3. As a result of the reduced area for parking there will be additional amenity space proposed to the rear of the site for all 3 properties.



Figure 1.7 Proposed Site Plan

1.9	This application is being presented to committee as although permission has already been approved at the property for residential use, this application seeks to vary conditions 2 and 4 to amend the parking provision. The change of use and external alterations are the same as the previous application, however as this application would grant a new permission, it is contrary to Policy DM5 which states that, the change of use of the ground floor units to residential use in the town centre will not be permitted (criterion d).
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2. Site History

	Ref No	Details	Decision
2.1	C/2022/0186	Change of use of ground floor offices and first and second floor living accommodation to create two dwellings plus conversion and change of use of Calebs cottage to one dwelling together with associated external, creation of garden and provision of parking.	Approved 08/09/2022
2.2	C/2021/0306	Change of use of ground floor offices and first and second floor living accommodation to single dwelling together with associated external alterations	Approved 10/01/2022
2.3	C/2008/0242	Change of use from offices to private dwelling	Approved 02/01/2009
2.4	C/2004/0168	Conversion of redundant bld to offices & infill (Rear building)	Approved 16/06/2004
2.5	2324	Illuminated sign	Approved 26/06/1979

3. Consultation and Other Relevant Information

3.1	<u>Internal BG Responses</u>
3.2	<u>Service Manager Infrastructure:</u>
3.3	<u>Highways:</u> The submitted application complies with LDP Policy DM 1 (3 d), there are no objections subject to the following: One parking space is to be allocated for each property. The parking area is to be fully constructed prior to occupation and retained there-after.
3.4	<u>Environmental Health:</u> No objections.
3.5	<u>Ecology:</u>

	No comments received.
3.6	<u>Drainage:</u> SAB approval no longer necessary. Details of sustainable drainage are required for the parking area to prove that any proposals are practical.
3.7	<u>External Consultation Responses</u>
3.8	<u>Welsh Water:</u> No objection provided the proposal does not interfere with the public sewer crossing the site and that the previously recommended condition be adhered to.
3.9	<u>NRW:</u> No objection.
3.10	<u>Western Power:</u> Identified Assets in the vicinity
3.11	<u>W&W Utilities:</u> No Assets in the vicinity
3.12	<u>Public Consultation:</u> <ul style="list-style-type: none"> • 25 letters to nearby houses • 1 site notice • website public register of applications • ward members by letter • all members via weekly list of applications received
3.13	<u>Response:</u> No objections or representations have been received.
4. Planning Policy	
4.1	<u>Team Manager Development Plans:</u>
4.2	No comments have been received on this application. However, as the principle of development is the same as previously approved under C/2022/0186 and the only amendments are to parking provision, it is considered their previous comments are still applicable:
4.3	The proposal is contrary to Policy DM5 Principal and District Town Centre Management which states that, the change of use of the ground floor units to residential use in the town centre will not be permitted (criterion d).

<p>4.4</p> <p>4.5</p> <p>4.6</p> <p>4.7</p>	<p>King Street is a predominantly residential street and the property characteristics are more residential than commercial. The recently published Retail and Leisure study prepared as evidence base for the Replacement Local Development Plan (published August 2021) recommends that the property is removed from the town centre boundary. Planning policy accept this recommendation and consider that this could be a material consideration when determining the planning application.</p> <p>Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.</p> <p><u>LDP Policies:</u> 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</p> <p><u>PPW & TANs:</u> 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)</p>
<p>5. Planning Assessment</p>	
<p>5.1</p> <p>5.2</p> <p>5.3</p>	<p><u>Principle of Development</u></p> <p>The site is located within the Local Development Plan (LDP) Brynmawr settlement boundary, as defined by Policy SB1 and within the Town Centre Boundary within which development is normally permitted subject to other policies in the Plan and other material considerations.</p> <p>Future Wales - the National Plan 2040 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 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</p>

	<p>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, the application is considered compliant with these policies.</p>
5.4	<p>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 Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty. Chapter 4 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.</p>
5.5	<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>
5.6	<p>The application site is situated within the settlement boundary and therefore the principle of changing the use to residential would normally be considered acceptable. However, the site is also situated within the boundary of the Brynmawr (District) Town Centre. Policy DM5 'Principal and District Town Centre Management' states that the change of use of ground floor units to residential uses will not be permitted. The proposed change of use to residential is therefore contrary to this policy.</p>
5.7	<p>Nonetheless, the application site is situated on the periphery of the town centre and King Street is recognised as a predominantly residential street and the property characteristics are more residential than commercial. Members are also requested to note that the recently published Retail and Leisure study prepared as evidence base for the Replacement Local Development Plan (published August 2021) recommends that the property is removed from the town centre boundary. As a result, the proposed use of residential is considered acceptable in this instance.</p>
5.8	<p>It should also be noted that the change of use has been positively established by the granting of application C/2022/0186 which remains extant. Whilst this application will result in a new permission being issued, the report will focus primarily on the acceptability or otherwise of the reduction of parking provision to the rear and additional provision of amenity space and whether this is a minor material change and conditions can be varied accordingly.</p>

5.9	<p><u>Amenity</u></p> <p>The proposed external alterations to the property are the same as submitted under the previous application (C/2022/0186). They are therefore considered to be acceptable.</p>
5.10	<p>The previous submitted site plan proposed an unconventional setup for the rear amenity space with the properties located within 74A King Street sharing outdoor amenity space with access gained via the side elevation of Calebs Cottage. The reduction in parking area has resulted in a larger rear amenity space that would still be shared between the two properties at 74a King Street, with Caleb's Cottage having its own separate garden. Whilst still unconventional, due to the reduction in parking spaces there is now a larger area of amenity space proposed, and, on balance it is considered sufficient amenity space has been provided for future occupiers and thus the development is compliant with LDP Policy DM1(2)d.</p>
5.11	<p><u>Highways</u></p> <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 currently no off-street car parking to serve the existing use. On-street car parking is also restricted due to its siting within close proximity to the town centre and parking restrictions.</p>
5.12	<p>The amended proposal under this application proposes to reduce the previously approved 6no. off street parking spaces to the rear of the site, to 3no. spaces. The Highways Manager has confirmed the submitted application complies with LDP Policy DM 1 (3 d), therefore there are no objections subject to a condition requiring the proposed car parking space allocated for each dwelling to be fully constructed prior to occupation of each dwelling and are to be retained there-after. It is also noted the site is also within a sustainable location served by public transport links and facilities within walking distance.</p>
5.13	<p><u>Drainage</u></p> <p>Under the previous application (C/2022/0186) the Council's Drainage Manager confirmed that SAB approval was required as the hard surfaced parking area to the rear of the property exceeded 100sqm.</p>
5.14	<p>This application has reduced the area of hard surfacing, and the Drainage Manager has confirmed the area for the parking spaces has now been reduced</p>

	<p>to 99m², therefore it will no longer be necessary to obtain SAB approval. However, this area of Brynmawr is served with a combined sewer and it will not be acceptable to drain this area directly into the Welsh Water/Dwr Cymru drainage system. It will therefore be necessary to provide sustainable drainage for the parking area. No details have been provided regarding drainage for this area, therefore the Drainage Officer has requested the applicant provides this information, along with the dimensions of the hard surfaced area and any other information (such as permeability test results) required to prove that any proposals are practical. A condition has been applied to this effect.</p>
5.15	<p><u>Phosphates</u></p> <p>The site is located within the catchment of the River Usk Special Area of Conservation (SAC). Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.</p>
5.16	<p>This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 20th January 2021). It is considered that this development is unlikely to increase phosphate inputs as it would not increase the volume or concentration of wastewater above the current use.</p>
5.17	<p>Following consultation, NRW have confirmed their previous comments still stand and they agree with the above perspective and are satisfied that the proposal is unlikely to increase the amount of phosphorus entering the catchment and is therefore unlikely to have a significant effect on the River Usk SAC.</p>
5.18	<p><u>Ecology</u></p> <p>Following a LERC (Biodiversity Information & Reporting Database) representation it has been identified that there are a number of protected/priority species within 500m of the site including bats and toads. The</p>

Council's Ecology Officer was consulted on the application but no comments have been received. However as this application is only to vary the parking provision provided on site, and the proposed ecological enhancements are the same as previous (2no. bird boxes) it is considered the Ecology Officer's comments from the previous application are still applicable confirming they have no objections to the proposal subject to informatives being applied regarding good working practices and precautionary measures taken in the event bats and/nesting birds are encountered and biodiversity enhancements being incorporated into the site. As such the application is considered compliant with the requirements of policy DM1 of the LDP, PPW 11 and the Environment (Wales) Act 2016.

5.19 Other matters

The site location plan outlines quite a large parcel of land, and the applicant has confirmed they own all the land within the red line boundary. The proposed site plans show all development would be to the south of the site, with the applicant previously confirming at present there are no plans to develop the northern part of the site.

5.20 The submitted plans appear to show the northern half of the site would be segregated as a result of the proposal. The site location plan and Google Maps show there are outbuildings on the northern part of the site that would be isolated, however after undertaking a site visit it became apparent that the land is vacant and any outbuildings have since largely been demolished or are in a state of disrepair and are no longer in use as shown in figure 1.8 below.



Figure 1.8 Site Photo - Rear of Site

5.21	In conclusion am satisfied that the changes proposed are minor material and that the variation of condition 2 and 4 to include amended plans to revise the proposed parking provision are therefore acceptable. Having considered all particulars, I am of the view that the development in its revised form complies with the requirements of LDP policies SP3, SB1, DM1, DM2 and DM5 and therefore recommend approval accordingly.
5.22	It should be noted that weekly list that is published on the Councils' Website was not published until 29 th March 2023. As such, the 21 consultation period does not end until 19 th April 2023. As such, my recommendation is based on no further representations being received between now and the 19 th April.

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	<p>In the event no further representations are received between now and 19th April 2023, planning permission be <u>GRANTED</u> subject to the following condition(s):</p> <ol style="list-style-type: none"> 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. 2. The development shall be completed in full accordance with the following approved plans and documents: <ul style="list-style-type: none"> • Site Location Plan - Drawing No.A000 recorded received 17.05.2022;
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- Proposed Layout Plan – Drawing No. A001 Rev D, recorded received 03.04.2023;
- Proposed Plans and Elevations – Drawing No. A102 Rev A, recorded received 25.05.2022;
- Proposed Plans and Elevations for Calebs Cottage – Drawing No. A202 Rev B, recorded received 17.05.2022;
- Site Location with Eco Enhancements – Drawing No. ECO, recorded received 28.03.2023;

Reason: To clearly define the scope of this permission.

3. Notwithstanding any details indicated on the approved plans, no development shall take place until details/samples of all external finishes to the approved dormers are submitted to and approved in writing by the Local Planning Authority. The dormers shall be completed in accordance with the approved details before it is brought into beneficial use.

Reason: To safeguard visual amenity interests.

4. Before works commence on site details shall be submitted to and approved in writing by the Local Planning Authority of sustainable drainage for the parking area, the dimensions of the hard surfaced area and any other information (such as permeability test results).

Reason: To ensure adequate sustainable drainage of the site.

5. The proposed car parking space allocated for each dwelling (as shown on Proposed Layout Plan – Drawing No. A001 rev D, recorded received 03.04.2023) are to be fully constructed prior to occupation of each dwelling and are to be retained there-after.

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

6. The ecological enhancements as shown on ‘Site Location with Eco Enhancements – Drawing No. ECO, recorded received 28.03.2023’ 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 is advised to contact Dwr Cymru Welsh Water on 0800 917 2652 to establish the location and status of the sewer. Some public sewers and lateral drains may not be recorded on their 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

2. All wild birds, their nests and their eggs are protected under the Wildlife and Countryside Act 1981 (as amended). Bird nesting season is from 1st March-31st August. If birds are observed entering and emerging from the building, works are not to commence until the nesting season has finished.

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

Should any species be found in the course of development, works should cease immediately and the developer should contact the Council's Biodiversity Officer on 01495 355702 for advice in this regard.

4. The applicant/developer should note that the development hereby approved may require SuDS approval. Before works commence it is the applicants responsibility to check with the Local Planning Authority if approval is required. 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.

8. Risk Implications

8.1	No risks identified
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