

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	25th August 2023
Directorate	Regeneration & Community Services
Date of meeting	7th September 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/2022/0348	Land at former Glanyrafon Court and adjacent grounds, Allotment Road, Ebbw Vale, NP23 5NS
C/2023/0098	Old School Site, Troedrhiwgwair, Tredegar
C/2023/0085	Heathwood, 203 Badminton Grove, Ebbw Vale, NP23 5UN
C/2023/0103	14 Bethcar Street, Ebbw Vale, NP23 6HQ
3. Recommendation/s for Consideration	
Please refer to individual reports	

Planning Report

Application No: C/2022/0348	App Type: Full
Applicant: Tai Calon Community Housing Solis One Blaina NP13 3JW	Agent: Mr Dylan Green Asbri Planning Ltd Unit 9, Oak Treet Court Cardiff Gate Business Park Cardiff CF23 8RS
Site Address: LAND AT FORMER GLANYRAFON COURT AND ADJACENT GROUNDS ALLOTMENT ROAD EBBW VALE EBBW VALE NP23 5NS	
Development: Residential development and associated works	
Case Officer:	Mrs Joanne White

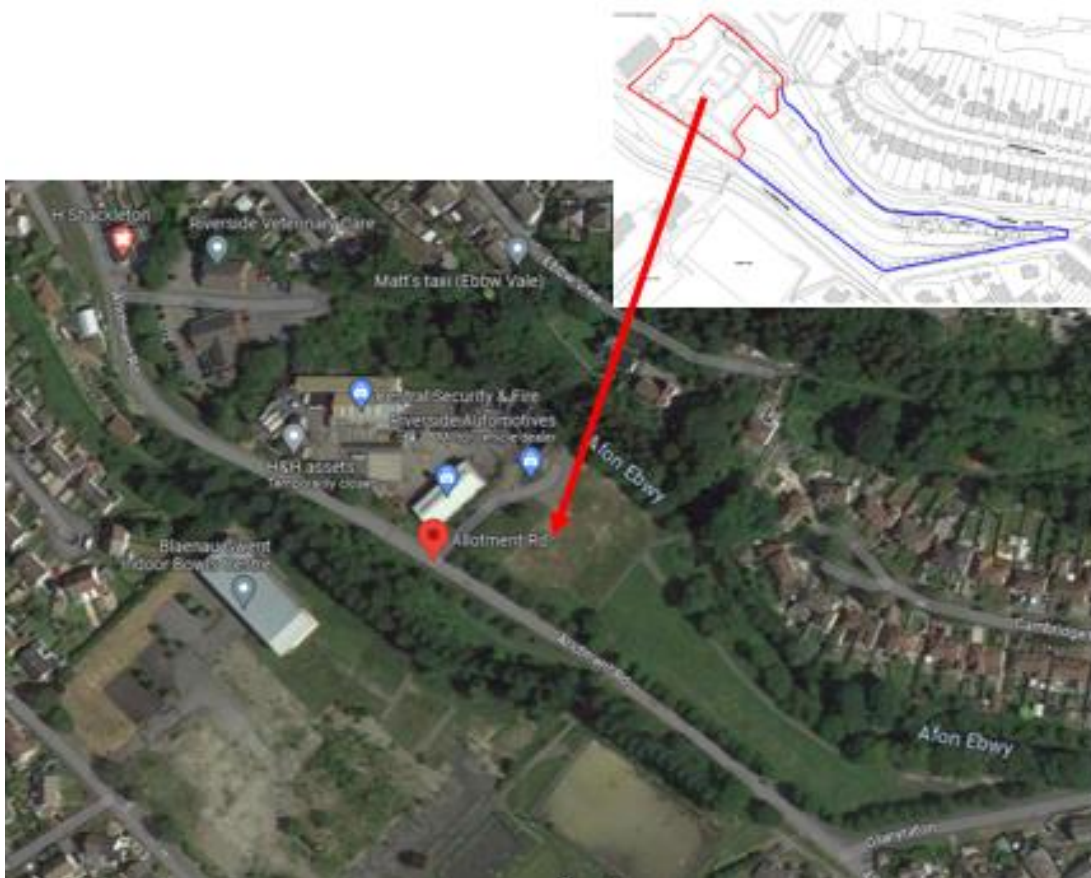


Image source: Google (2023)

1.0 Background, Development and Site Context

- 1.1 This application seeks full planning permission for residential development on the former Glan yr Afon Court sheltered housing site and a small area of adjoining undeveloped grassland to the southeast. The developable area is limited to the land within the redline boundary.
- 1.2 Members may recall that planning permission was refused in January 2022 for 15 affordable housing units on the site (Ref C/2021/0179 refers). The previous application was refused, contrary to officer recommendation, due to the loss of valuable amenity space contrary to Local Development Plan Policy DM13.
- 1.3 In a bid to overcome the reason for refusal the site has now been reduced in size from approximately 135m long to 75m and a reduction in site area from 0.83ha to 0.5ha. The majority of the grassland amenity area to the south-east has now been omitted from the scheme and the site now predominantly comprises brownfield land which formerly housed the sheltered housing complex known as Glan yr Afon Court.

1.4



Fig 1: Previous Scheme



Fig 2: Proposed reduced scheme

1.5

Site Context

The application site is broadly square in shape. The central part of the site comprises of brownfield land which previously accommodated the former sheltered housing complex at Glan yr Afon Court. Whilst the latter has now been demolished, the tarmac surfaced car parking area on the north-western part of the site remains in place along with some other minor infrastructure. The south-eastern part of the site comprises open grassland and public footpaths.

1.6 Whilst the site is predominantly a level plateau, the land does rise steeply to Allotment Road which runs parallel to the south-western boundary. The land also slopes steeply down to the River Ebbw to the north-eastern boundary. On the other side of the river are residential properties at Cambridge Gardens and Ebbw View. To the north-west are business and commercial uses, while the south-eastern boundary adjoins a large open grassland area and footpath which follows the bank of the river down towards the residential area of Glanyrafon. The application site is also largely open to the surrounding area, with existing boundary treatments comprising a low brick wall along the north-eastern boundary separating the site and the bank of the River Ebbw and palisade fencing to the northern boundary.

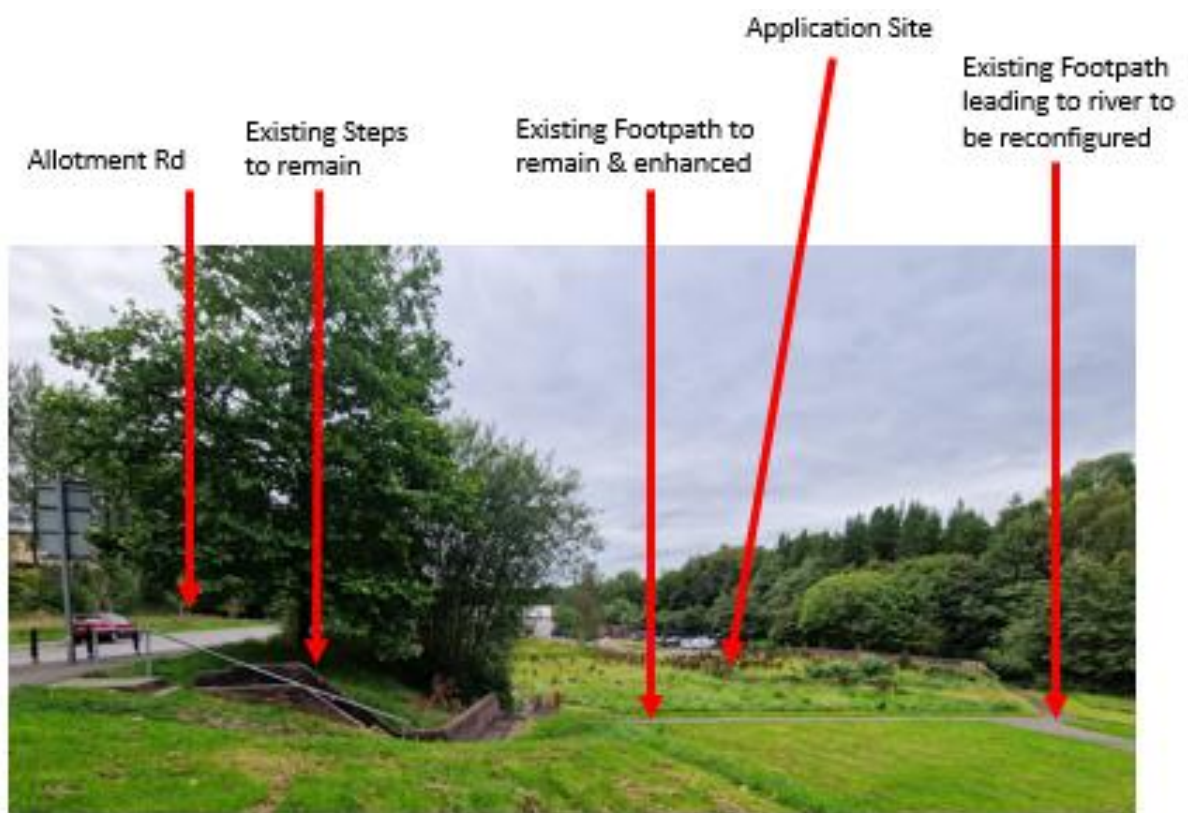


Fig 3: View of the site looking north-west from the adjacent open space (at Allotment Road level)

1.7 Proposal
The proposed residential development would now provide 14 affordable units and comprise of one and two storey buildings in the form of a mixture of flats, bungalows and semi-detached houses. The proposed bungalows and ground floor flats would be designed to accommodate wheelchair access in order to meet the needs of potential residents with limited mobility. The number of house types are split as follows:

- 4 no. 2 bed houses (Plots 1,2,7 and 8);

- 4 no. 3 bed houses (Plots 3, 4, 6 and 6);
- 4 no. 1 bed flats (Plots 9,10,13 and 14) and;
- 2 no. 2 bed bungalows (Plots 11 and 12)



Fig 4: Site Layout

1.8

The proposed development has been orientated so that dwellings primarily front onto the new internal access road. The proposed bungalows and flats would be located on the south-western side of the internal road whilst the semi-detached houses would be to north-east. For the most part, the existing public footpath configuration that links Cambridge Gardens and Ebbw View to Allotment Road would be retained, together with the existing public green spaces which will be enhanced with tree, shrub and wildflower planting. A bio-retention basin will also be introduced to the south-east corner which will feature species rich grassland and aquatic planting. Members should note that these areas will remain open for public use.

1.9 The existing vehicular access which previously served Glan yr Afon Court would be utilised as the main access into the development. A total of 20 off-street car parking spaces are proposed which are generally located to the front of the properties.

1.10



Fig 5: Proposed view of the houses – looking north-east

1.11



Fig 6: Proposed view from within the site looking towards Allotment Road (south-west). Bungalows are located centrally with flats either end.

1.12



Fig 7: Proposed view as approaching from the amenity space to the south east. Views of the flats to the left and houses to the right.

1.13 The properties will be of a contemporary design comprising largely of buff colour brick featuring dark grey bricks around front doors and brick projecting header detail. Roof materials will be grey reconstituted roof slates with dark

grey windows and oak coloured front door. Properties also feature a flat roof canopy in dark grey aluminium. Boundary treatments include a mix of low level brick walls with railing infills, timber fences (to rear gardens and between dwellings) and retaining walls.

1.14



Fig 8: (Left to Right) Typical Front Elevation of House, Bungalow and Flats

1.15 In addition to the detailed plans showing the proposed site layout and floor plans/elevations of the proposed houses, the applicant has submitted supporting information which includes hard and soft landscaping plans, a Planning, Design and Access Statement, a Tree Survey, a Preliminary Ecological Assessment, Drainage Strategy and Drainage Strategy and Flood Risk Assessment, an Intrusive Mining Risk Assessment Report, a Remediation Strategy Report and a Geotechnical Letter Report.

1.16 The applicant also undertook statutory pre-application consultation prior to the submission of the planning application, which included publicising a draft of the proposed residential development and consultation with the community and specialist consultees, including ward members. A Pre-Application Consultation Report has been submitted with the planning application.

2.0 Site History

	Ref No	Details	Decision
2.1	C/2019/0027	Prior notification of the proposed demolition of 1-29 Glan yr Afon Court	Confirmation of requirement for prior approval given on 29 th February 2019
2.2	C/2021/0179	Construction of 15 residential dwellings with a new road, car parking, gardens, hard and soft landscaped areas.	Refused 14.01.2022

3.0 Consultation and Other Relevant Information

3.1 **Internal BG Responses**

3.2 Team Leader Building Control:
Building regulations is required.

3.3 Service Manager Infrastructure: No objection.
The Highways Manager has confirmed that the revised site layout showing a road width of 5.5m is acceptable and the application complies with LDP Policy DM1(3)a,b,c & d. Conditions have been requested to secure details of the roads, footways, highways drainage and street lighting together with parking provision and vision splays.

3.4 The applicant will also be required to enter into a S38 Agreement with the Highway Authority to create the new access road and associated highway infrastructure.

3.5 Drainage: No objection.
The development is over 100 square metres in floor area and will therefore separate consent for surface water drainage will be required from the Sustainable Drainage Systems (SuDS) Approval Body (SAB).

3.6 Ground Stability:
No response received from Council's Geotechnical Engineer.

3.7 Landscape: No objection.
The Landscape Officer has confirmed that the detailed landscape strategy would more than compensate for the loss of any low value trees identified for removal. There is no objection to the proposed residential development subject to the erection of tree protection fencing around the root protection zone of the trees, and groups of trees, to be retained prior to any demolition or construction work.

3.8 Ecology: No objection.
The Council's Ecologist is satisfied with the findings of the initial Ecology Report together with update survey (August 2022), and has indicated that provided that the recommendations outlined within the reports are implemented there should be no long term negative impacts on local ecology.

3.9 Service Manager Public Protection: No objection.
The Specialist Environmental Health Officer has raised no objection in principle to the proposed residential development, but has requested the imposition of a standard conditions relating to land contamination, submission

of a Construction Method Statement and provision for charging of electric vehicles.

3.10 Team Leader Leisure

A commuted sum towards upgrading outdoor play facilities in line with the requirements of the adopted Planning Obligations Supplementary Planning Guidance has been requested (£40,720). Glyncoed play area and ball court has been identified as the existing facility where the commuted sum would be spent.

3.11 Education:

Request a contribution of £28,314.00 towards primary education.

3.12 Estates: No objections

3.13 **External Consultation Responses**

3.14 Natural Resources Wales (NRW): No objection

The site is adjacent to the River Ebbw which is within Zone C2 as defined by the development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The Flood Map for Planning (FMfP) identifies the site to be in Flood Zone 2 (at risk of flooding)

3.15 The submitted Flood Consequence Assessment shows that the risks and consequences of flooding are manageable to an acceptable level.

3.16 Welsh Water: No objection.

It is indicated that the proposed development is crossed by a trunk/distribution watermain and no part of any building is permitted within the required easement of 3.85m either side of the centre line of the watermain. However, it may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991 and the cost of which will be charged to the developer. WW has also confirmed that capacity exists within the public sewerage network to only receive the domestic foul flows from the proposed development.

3.17 Western Power & W&W Utilities:

Approximate position of apparatus in the vicinity of the application site is highlighted.

3.18 Fire Authority

No objection. Recommends standard advice that the developer should consider the need for adequate water supplies for firefighting purposes and access for emergency firefighting appliances.

3.19 **Public Consultation:**

- 20 letters to nearby houses
- 21 Emails to previous objectors
- 4 x site notices
- press notice
- website public register of applications
- ward members by letter
- all members via weekly list of applications received

Response:

3.20 As a result of the consultation exercise, 1 email objection has been received. The issues raised are summarised as follows:

- 3.21 • Suggestions that the application has not been properly advertised or for the prescribed period of 21 days and that the site notices were not properly attached or weatherproofed;
- 3.22 • The plot needs looking after - there is currently a lot of glass and building derelicts left behind;
- 3.23 • Would not want to see the only bit of local greenery destroyed to make room for even more housing. Especially given that there is already building works going on opposite on the site of the old school grounds.

3.24 A ward member confirmed they have no objections to the scheme and that they consider it blends in well with the former Glan yr Afon Court.

4.0 Planning Policy

4.1 Team Manager Development Plans:

4.2 The Policy Manager is satisfied that the application demonstrates the flood risk to the site is very low and no specific mitigation measures are required. The submitted Flood Risk Assessment meets the requirements of TAN 15.

4.3 The Policy Manager has indicated that the open space located within the application site was not identified as part of the open space assessment that informed the adopted LDP and no policy objection is raised in relation LDP Policy DM13 or the principle of development. Notwithstanding this, it is noted that the proposal has been reduced in size from the previously refused scheme so that it does not encroach as much into the adjacent amenity area. The

Policy Manager is of the opinion that the scheme integrates well into the existing informal open space to the south east of the application site and the provision of formal landscaping could be considered as satisfying criterion d of policy DM13 in relation to enhancement.

4.4 In terms of development viability, the Policy Manager has confirmed that the proposed development for affordable housing would be unviable if planning obligations (financial contributions towards education and leisure) were to be sought as part of the application.

4.5 LDP Policies:

- SP1 Northern Strategy Area –Sustainable Growth and Regeneration
- SP4 Delivering Quality Housing;
- SP5 Spatial Distribution of Housing Sites;
- SP7 Climate Change;
- SP10 Protection and Enhancement of the Natural Environment;
- DM1 New Development;
- DM2 Design and Placemaking;
- DM3 Infrastructure Provision;
- DM7 Affordable Housing;
- DM12 Provision of Outdoor Sport and Play Facilities
- DM13 Protection of Open Space;
- DM14 Biodiversity Protection and Enhancement;
- DM16 Trees, Woodlands and Hedgerow Protection;
- ENV3 Sites of Importance for Nature Conservation; and
- SB1 Settlement Boundaries

4.6 Future Wales

- Policy 1 - Where Wales will Grow
- Policy 2 - Shaping Urban Growth and Regeneration – Strategic Placemaking;
- Policy 7 - Delivering Affordable Homes;
- Policy 8 - Flooding
- Policy 9 - Resilient Ecological Networks and Green Infrastructure; and

4.7 Supplementary Planning Guidance

- Access, Car Parking and Design (March 2014);
- A Model Design Guide for Wales – Residential Development (March 2005); and
- Planning Obligations – Note 7 (September 2011).

4.8 PPW & TANs:

- Planning Policy Wales (Edition 11, February 2021);
- Technical Advice Note 12: Design (March 2016); and
- Technical Advice Note 15: Development and Flood Risk (July 2004).

4.9 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.

5.0 Planning Assessment

5.1 Principle of Development

The Blaenau Gwent Local Development Plan (LDP) indicates that the application site lies within the settlement boundary within which development is normally permitted subject to other policies within the plan and relevant material considerations (Policy SB1). The site is not covered by any development allocations or designations according to the LDP proposals map. The Ebbw River Site of Importance for Nature Conservation (SINC) does, however, adjoin the north eastern boundary.

5.2 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. 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. Being mindful of the nature of the proposal and its location, the application is considered compliant with these policies.

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

- 5.4 With the exception of a small area of grassland to the south-east, the site now predominantly comprises of brownfield land which previously accommodated the former sheltered housing complex. As such, the principle of a residential use on the majority of the site has previously been established. The proposed residential use is therefore considered to be compatible with the mixture of neighbouring uses including commercial/employment uses to the north-west, and recreational and residential uses to the south-east and east respectively. The development therefore accords with LDP Policy DM1(2)a in respect of land use compatibility.
- 5.5 Protection of Open Space
As stated in Section 1 of this report, Members may recall that planning permission was previously refused on the site (C/2021/0179) due to the loss of valuable amenity space, contrary to LDP Policy DM13. In a bid to overcome the reasons for refusal the site has been reduced in size from approximately 135m long to 75m with a width of 75m and a reduction in area from approximately 0.83ha to 0.5ha.
- 5.6 Nevertheless, I acknowledge that the site boundary does still include a small area of grassland immediately adjacent to the former building as well as the existing public footpath leading from Allotment Road to Cambridge Gardens.
- 5.7 The supporting text detailed in LDP Policy DM13 provides a broad definition of 'open space' indicating that it includes all land that is available for use by the public for informal and formal recreational and leisure use. I would therefore suggest that as the application site includes land that extends beyond the former brownfield land, most notably the public footpath and a strip of land to the south-east, it would be prudent to assess the development against Policy DM13, as was the case in the previous application.
- 5.8 Firstly, it must be demonstrated that the site has no significant amenity, recreational or nature conservation value (criterion a). If this criterion is met, there is a further requirement to demonstrate that one of following criteria are also met: there is a surplus of such facilities in locality (criterion b), the loss can be replaced with an equivalent or greater provision in the immediate locality (criterion c), or the development enhances an existing facility (criterion d).
- 5.9 As stated by the officer in his consideration of the previous application, in his opinion criterion a) of DM13 would be met and I agree with this view particularly given that the site is now considerably smaller, omitting the majority of the grassland amenity area that formed part of the previous application site. Moreover, the Policy Manager has confirmed that this type of informal open

space was not included in the open space assessment which informed the allocations and policies of the adopted LDP and as such the proposed development would not result in an unacceptable loss of open space. It is therefore clear that this type of open space is not considered to be significant at a strategic level in respect of its recreational or amenity value. In terms of nature conservation value, the submitted Ecology Report (August 2019) and Ecology Update Survey Letter (August 2022) indicate that whilst the Ebbw River SINC adjoining the application site is significant in ecological terms, the application site itself is not considered to be of significant ecological value. I am therefore satisfied that the site does not have significant amenity, nature conservation or recreational value. The proposal therefore complies with LDP Policy DM13 (criterion a).

- 5.10 In considering compliance with *either* criterion b, c or d of Policy DM13, the majority of the grassland 'amenity' area does not include any built development but in fact proposes a number of landscape enhancements to include tree planting, native shrub and bulb planting, wildflower grassland together with the creation of a bio-retention basin. The existing steps and footpath to Allotment Road will also be cleaned, repointed and repaired where required. The Policy Manager is of the opinion that the scheme integrates well into the existing informal open space to the south east of the application site and the provision of formal landscaping could be considered as satisfying criterion d. I share this view and am satisfied that the proposal meets criterion d) of Policy DM13.

Affordable Housing Provision

- 5.11 Policy 7 of Future Wales states that, among other things, planning authorities should explore all opportunities to increase the supply of affordable housing.
- 5.12 The most recent LDP Annual Monitoring covers the period between 1st April 2021 and 31st March 2022. In terms of affordable housing delivery, it states that the target of delivering 1,000 by the end of 2021 was missed by a significant extent with only 606 affordable dwellings being delivered within the plan period. Members are therefore requested to give significant weight to the proposed delivery of affordable housing to help address this shortfall.
- 5.13 Whilst the site is not allocated in the LDP, the proposed development would contribute to the allowance made for windfall sites (Policy SP5 b) and provide 14 affordable mixed dwelling types (Policy SP4), comprising of a mixture of bungalows, flats, and 2/3 bedroom houses. Four of those units will provide for wheelchair access to meet the needs of potential residents with limited mobility. The proposal would therefore make a modest but necessary contribution to the delivery of affordable housing in the Borough in accordance

with the requirements of LDP Policies SP4 and SP5 and Policy 7 of Future Wales.

5.14 Flooding

Policy SP7 (Climate Change) aims to direct new development away from areas which are at high risk of flooding, especially in light of recent climate change studies. The former use of the site was considered to be highly vulnerable development as is the proposed use.

5.15 The site falls within Flood Zone B and is adjacent to the River Ebbw which falls within Zone C2 (high risk flood area) as defined by the Natural Resources Wales (NRW) Development Advice Map (DAM). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 2. It should be noted that the high risk flood area (C2 Zone or Zone 3 as defined in the FMfP) is located at a lower level relative to the proposed development.

5.16 As confirmed in the letter from Welsh Government dated 15 December 2021, the FMfP represents better and more up-to-date information on areas at flood risk than the DAM and can be regarded as a material consideration.

5.17 The development advice associated with Zone 2 (as is the case for Zone B Flood risk) is that applications for development can proceed subject to justification and acceptability of consequences as set out in TAN 15. Flood Consequence Assessments, where required, are unlikely to identify consequences that cannot be overcome or managed to an acceptable level.

5.18 A Drainage Strategy and Flood Risk Assessment (DSFRA) has been submitted which states that based on the model results, the site remains flood free up to and including the 0.1% (1 in 1000 year) Annual Exceedance Probability (AEP) fluvial event. In addition, it states that although the site is shown to experience flooding along the edge of the red line boundary, the water levels do not surpass the riverbanks at this location.

5.19 NRW have confirmed that they agree with the findings of the DSFRA and that the risks and consequences of flooding are manageable to an acceptable level. They have therefore raised no objections to the development.

5.20 Consequently, I am satisfied that the risk of flooding is not significant in relation to the location of the proposed development and as such, the application of the justification test and flood consequence assessment (sections 6 and 7 of TAN15) are not necessary in this instance. Accordingly, the proposed

development meets the requirements of LDP Policy SP7 in respect of flood risk.

5.21 Site Layout, Scale and Appearance

It is acknowledged that the layout is orientated as such that dwellings generally front onto the new internal access road, essentially looking in on themselves. However, I am mindful that the difference in levels relative to Allotment Road to north-west and the proximity of the river to the east, separating the site from Cambridge Gardens, makes it difficult to integrate the site into the adjacent street and surrounding area. The proposed site layout and orientation of the dwellings is therefore considered to be the most appropriate in this context. Moreover, the proposed dwellings create active frontages within the site that would provide natural surveillance to both the street and adjacent footpath passing through the amenity greenspace.

5.22 Whilst off street-parking is located to plot frontages and not generally encouraged, tandem parking to the sides of dwellings would be difficult to achieve without further reducing the number of dwellings proposed. It should be noted however that hard and soft landscaping would help break up and soften the visual impact of the proposed car parking areas and as such is considered acceptable in this instance.

5.23 In terms of scale and design, the proposed one and two storey buildings would be appropriate within the local context. The site is relatively self-contained with the nearest residential properties at Cambridge Gardens (to the east) being on the opposite side of the river (and largely screened from the development) and commercial buildings to the north-west. As such, the local vernacular is mixed and there is no strong architectural character in which to follow. The mix of house types in the form of bungalows, semi-detached houses and flats would also ensure a diverse housing stock and visually interesting street scene. The proposed buildings are of a contemporary design, and in order to break up the facades of the buildings and provide architectural interest, a mix of materials and textures are proposed. The palette of materials is considered acceptable in principle albeit a condition should be imposed requiring submission of samples.

5.24 Due to the topography of the site, retaining walls will be required to the rear of the bungalows which are indicated with the Design and Access Statement as being faced in brick with climbing plants. A condition is recommended to ensure the structural stability of any retaining walls and to ensure they are visually acceptable.

- 5.25 I consider that the scale, layout and appearance of the proposed development, subject to conditions, is acceptable and complies with the relevant criteria contained in DM1 and DM2.
- 5.26 Sustainable Design
Policy SP7 and DM4 seek to encourage development proposals to incorporate renewable and low/zero carbon technologies into their development scheme.
- 5.27 The submitted Design and Access Statement and Energy Statement indicate that the dwellings will minimise the need for energy consumption through a 'fabric first' approach. This includes maximising air tightness using the thermal mass of the building fabric and high performance insulation, optimising solar gain and natural ventilation. The dwellings will have integrated solar panels, electric car charging points and battery storage.
- 5.28 A suitably worded conditions will ensure the sustainable features, including electric car charging, are incorporated within the development. I am therefore satisfied that the development has due regard to LDP Policy SP7 and DM4.
- 5.29 Ground Conditions
In respect of ground stability, an Intrusive Mining Risk Assessment Report (IMRAR) has been submitted with the application which confirms that the proposed residential development is not at risk from past shallow mining and no special precautionary measures or foundation design are required as part of the proposed development.
- 5.30 With regards to contamination, the Council's Environmental Health Officer has confirmed he is satisfied with the findings of the two submitted ground investigation reports which confirms that the levels of soil contamination are not considered to pose a risk to future site users. However, gas protection measures will be required. Such measures are common to many developments in the Borough.
- 5.31 I am therefore satisfied that subject to conditions requiring compliance with the recommendations of the reports (with a verification report confirming the works have been carried out) and a standard condition in respect of land contamination that the site is capable of supporting the proposed development and meets the requirements of LDP policies DM1(2)i and j.
- 5.32 Drainage
Welsh Water have confirmed that spare capacity exists within the sewerage network to receive foul flows from the development. They have also indicated that the development site is crossed by a trunk/distribution watermain and no

part of any building is permitted within the required easement of 3.85m either side of the centre line of the watermain. Whilst it appears that some of the proposed residential buildings would conflict with this requirement, Welsh Water have indicated that it may be possible for this watermain to be diverted at the expense of the developer. Given that Welsh Water have not objected to the proposed development and there appears to be solution to overcome this constraint, I am satisfied that the presence of the watermain is not an insurmountable constraint to the proposed development and the matter can be left to Welsh Water and the developer to resolve.

5.33 In terms of surface water drainage, it is noted that the landscape strategy incorporates measures such as a bio-retention swale, rain gardens and permeable paving to assist with surface water drainage. Nevertheless, since 7th January 2019 any development proposals that have a hard surface area exceeding 100m² require separate SAB approval to deal with surface water drainage. This development exceeds that threshold and accordingly will require approval of Sustainable Drainage Systems (SuDS). An informative note can be added to ensure the developer is aware of their responsibility to obtain the necessary SAB consents to deal with surface water drainage.

5.34 Highways and Car Parking

Vehicular access will be via the existing access road at the northern end of the site and a new internal access road with turning head would serve all new dwellings. Whilst the existing east-west public footpath, which links allotment road to Cambridge Gardens and Ebbw View, would be largely retained and enhanced, a section to the eastern corner where it joins the north-south footpath will be re-positioned before linking back up with the footbridge.

5.35 The Highways Manager has confirmed he has no objection to the proposal nor has he raised any concern in terms of increased traffic movements in the area. He has, however, requested the imposition of a number of conditions and informative notes that control the construction of the roads and footways, the relocation of part of the footway and street lighting. As such, appropriate conditions would be imposed.

5.36 In terms of parking provision, the development will provide for 20 off-street parking spaces. This has been reduced from the standard requirement based on the sustainability credentials of the application site. In accordance with the adopted Access, Car Parking and Design SPG, there will be 1 parking space for each one and two bed dwelling and 2 spaces for each three bed dwelling. The Highways Manager has confirmed that the development is acceptable subject to a condition requiring the parking to be provided prior to occupation.

5.37 The proposal therefore complies with the requirements of LDP Policy DM1(3) and the requirements of the Access, Car Parking and Design SPG.

5.38 Landscaping and Trees

The Landscape Officer has confirmed that the landscaping proposals would more than compensate for the loss of any low value trees identified for removal. I am also satisfied that the proposed landscaping scheme is acceptable and would complement the surrounding area. Moreover, the proposal would incorporate an appropriate mix of boundary walls, fences, railings and various forms of paving to hard landscape areas that would adequately define private, semi-private and public spaces. Whilst detailed soft landscaping proposals have already been provided, final detailed design and samples of the hard landscaping scheme and boundary treatments can be secured via condition.

5.39 The submitted Tree survey indicates that a small number of existing trees would be removed as part of the proposal. However, the trees to be removed are unmanaged or overgrown shrubs, or trees which are damaged, diseased or of low quality. The Council's Arborist has no objection to the proposal subject to the erection of tree protection fencing around the root protection zone of those trees, and groups of trees, to be retained prior to any construction work. The latter can be secured via an appropriately worded condition.

5.40 I am therefore satisfied that the proposed landscaping scheme is acceptable in compliance with Policy DM2 in respect of hard and soft landscaping matters.

5.41 Ecology

The application has been supported by an Ecology Report (August 2019) together with updated survey letters from April 2021 and August 2022. The 2019 survey indicates that the most significant habitat for biodiversity is located in the north-eastern margin of the site, which forms part of the River Ebbw Site of Importance for Nature Conservation (SINC). The survey highlights the needs for a licence from NRW if any works were to disturb otters or affect an otter resting or breeding site, which might include the riverside scrub or rock armouring.

5.42 Similarly, Japanese Knotweed has been identified along the riverbank, which has the potential to spread 7m from its stem. The report recommends a precautionary approach by eradicating it from the riverbank.

- 5.43 The Ecology Update Survey Letter (August 2022) confirms the above constraints continue to apply.
- 5.44 The Council's Ecology Officer has no objection to the proposed development and has confirmed that subject to the mitigation and biodiversity enhancements being carried there will be no long term negative impacts to priority species nor will there be any direct impact on the River Ebbw SINC. A suitably worded condition can therefore be imposed together with standard advisory notes in respect of a precautionary approach and in particular to alert the developer to the presence of Japanese Knotweed within the riverbank. I also suggest a condition requiring a construction method statement to safeguard any impacts upon the adjacent SINC.
- 5.45 NRW have also confirmed they have no objections to the development subject to an informative drawing the applicant's attention to pollution prevention advice and guidance due to the close proximity to the River Ebbw.
- 5.46 Accordingly, the proposal is considered to be in accordance with LDP Policies SP10, DM1 and DM14 in respect of biodiversity.
- 5.47 Residential Amenity
The separation distance between the gardens of the proposed semi-detached dwelling at plot 8 and the existing residential properties at Ebbw View would be approximately 25m (57m dwelling to dwelling), while the separation distance between the curtilages of the proposed flats at plot 13/14 and the nearest residential properties at Cambridge Gardens would be in excess of 55m. Given the separation distances and the dense landscape screening along the Ebbw River corridor and I am satisfied that the proposed development does not give rise to concerns of overlooking, overshadowing or overbearing. I am also satisfied that the proposed residential development would not have an unacceptable impact on the amenity or operations of the existing commercial/employment buildings to the north of the application site.
- 5.48 With regards to the residential amenity of the future occupiers of the development, I am of the view that the proposed layout, building orientations and window arrangements would prevent any direct overlooking between the habitable room windows of the proposed houses, bungalows and flats. I am also satisfied that the future occupiers of the houses would not experience unacceptable levels of overbearing or overshadowing from any neighbouring buildings.
- 5.49 All of the proposed houses, bungalows and flats would be provided with adequate private garden space, and whilst I note that the first floor flats would

only have access to balconies as private outdoor amenity space, the immediate amenity greenspace would also be readily accessible to future occupiers.

- 5.50 In order to protect the amenity of nearby residents and commercial premises during construction, a construction and environmental management plan (detailing means of noise and dust mitigation) will be requested prior to commencement of the development via the imposition of a condition.
- 5.51 Consequently, I am satisfied that the proposed development would not have an unacceptable impact on the residential amenity of the occupiers of surrounding properties or the future occupiers of the site. As such, the proposal is considered to be in accordance with Policy DM1(2)c.
- 5.52 Planning Obligations
Policy DM3 requires new development to meet the infrastructure needs that it generates, including the improvement or provision of infrastructure, services and community facilities. Policy DM12 also seeks to secure the provision of outdoor sport and play facilities with all new residential developments of 10 or more units.
- 5.53 As indicated in Section 3 above, a request has been made for a commuted sum towards primary education and upgrading outdoor play facilities (Glyncoed play area) in line with the requirements of the adopted Planning Obligations Supplementary Planning Guidance.
- 5.54 The requirement to provide this type of planning obligation is, however, subject to development viability. Members may recall that the previous application was supported by a viability assessment which concluded that the former scheme for 15 units would be unviable if a leisure contribution was sought. Whilst the former application was refused, Members are reminded that the lack of financial contribution was not given as a reason for refusal.
- 5.55 The current scheme is now for 14 units with a request for both education and leisure contributions.
- 5.56 The applicant has submitted a revised viability assessment using the South East Wales Development Viability Model (DVM). The Assessment indicates that the revised proposal would not be financially viable if the education and leisure contribution was sought. The Policy Manager has reviewed the evidence submitted and agrees with the conclusions of the assessment.

- 5.57 Whilst sufficient evidence has been submitted to demonstrate that the proposed development would be unviable if the aforementioned education and leisure contribution was provided, it must be recognised that without the planning obligation, the proposal would not fully meet its infrastructure needs and as such, would have some negative impact on local community facilities. Members should note that this impact needs to be balanced against the benefits of delivering much needed affordable housing. In my opinion, any negative impact on local community facilities would not be significant enough to outweigh the benefits of the proposal.
- 5.58 Other Matters
In respect of issues raised by an objector, the majority of issues have been addressed above. In terms of other matters raised I would provide the following comments:
- 5.59 I am satisfied that the application has been appropriately advertised since January 2023 as detailed in Section 3 of this report. As Members will note, Major Applications also require public consultation prior to submission of a formal application. In this instance, I am aware that the public consultation took place between October –November 2022 which included site notices, neighbour letters and a public engagement event held on 11th October at The Badminton Club. The application has therefore been advertised in excess of the prescribed 21 days.
- 5.60 Similarly, in response to concerns that site notices were not ‘weatherproofed’ or attached properly, Members are advised that site notices are printed on waterproof paper, hence do not require lamination. Whilst the objector referred to one site notice becoming detached, the objector’s comments were received some 3 months after the site notices were first erected. Given that the objector supplied photos of some site notices still in place, I maintain that the application was adequately advertised for the prerequisite period.
- 5.61 In reference to building works on the former Glyncoed school site opposite – I can confirm this has planning permission for a replacement primary and nursery school facility (as approved by this committee ref C/2021/0274) to replace the existing primary school.
- 5.62 Members will note that there were a number of objections to the previous application, largely regarding the loss of amenity space. This issue, amongst others raised as part of the original application have been considered throughout this report. Conditions are proposed in relation to contamination, ground stability and protection of trees. Previous concerns regarding maintenance of the area and concerns that the site may expand in the future

are not material planning considerations and the diversion of the footpath is now limited to the south-east corner of the site.

6.0 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.

7.0 Conclusion and Recommendation

- 7.1 In summary, I am of the view that, on balance, the proposed residential development is acceptable in land use terms and would not have a detrimental impact on residential amenity, local biodiversity or the character and appearance of the surrounding area. Moreover, the proposal is considered acceptable in terms of vehicular and pedestrian access and car parking provision.

Planning permission be **GRANTED** and the following condition(s):

1. Standard Time Limit
2. Approved Plan/documents list
3. Surface water not approved
4. Foul drainage
5. Scheme for affordable housing (tenure, phasing, management etc)
6. Compliance with Remediation Strategy Report
7. Unforeseen contamination
8. Unforeseen land stability
9. Construction Method Statement to be submitted to include working hours
10. Tree protection measures to be implemented prior to commencement
11. Details of Materials
12. Boundary treatment details
13. Details of any retaining walls as necessary

14. Access, and parking to be implemented
15. Construction details of roads, footways and street lighting to be provided prior to occupation
16. No boundary treatments to obstruct vision splays
17. Landscaping to be implemented in first planting season
18. Details of any bin stores, shed or minor structures to be submitted
19. Details of electric car charging points to be installed

Informatives

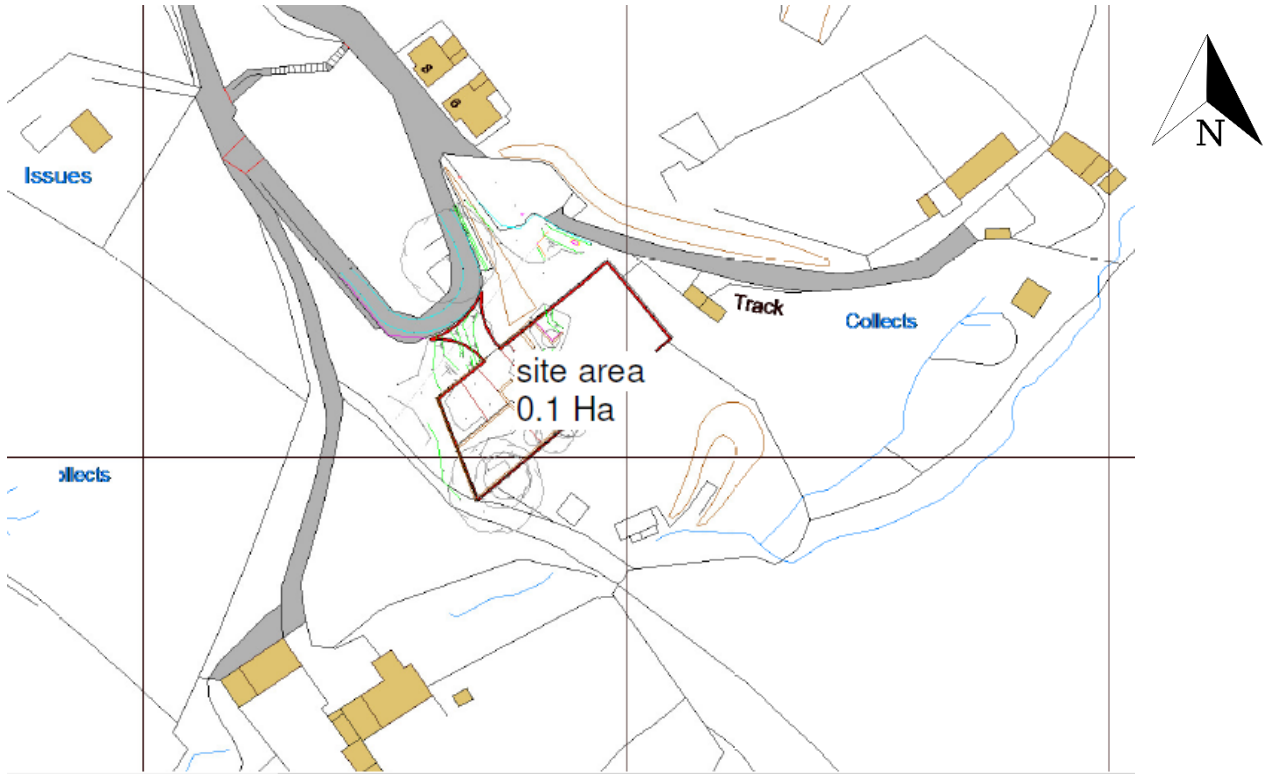
1. Major application site notice
2. SAB
3. Enter into a S38 Agreement with the Highway Authority
4. Diversion works to the existing public footpaths to be completed S247/248 of the Town and Country Planning Act 1990.
5. Discovery of any Japanese Knotweed
6. Ecology – birds
7. Ecology – hedgehogs
8. Ecology – bats
9. Ecology – NRW licence otters
10. Guidance to prevent pollution to River Ebbw
11. Guidance on remediation reports
12. Standard Fire Authority advice
13. Flood evacuation advice

8.0 Risk Implications

8.1 None.

Planning Report

Application No: C/2023/0098	App Type: Full
Applicant: MR & MRS ROSS HUGHES OLD SCHOOL SITE TROEDRHIWGWAIR TREDEGAR NP22 4DB	Agent: FTAA LIMITED Mr Roger Field 6 High Street Crickhowell NP8 1BW
Site Address: OLD SCHOOL SITE, TROEDRHIWGWAIR, TREDEGAR	
Development: Provision of 4 no. detached leisure pods, including landscaping and services	
Case Officer:	Sophie Godfrey



1.0 Background, Development and Site Context

- 1.1 This application seeks planning permission for the provision of 4no. detached leisure pods including landscaping and services at the Old School Site, Troedrhiwgwair, Tredegar. The site currently consists of an unused parcel of land comprising of an old concrete plinth and stone walls from the school that has since been demolished and shrubland. The site is located outside the settlement boundary, within the Cefn Manmoel Special Landscape Area. There is open countryside to the east, west and south of the site with the public highway of Troedrhiwgwair followed by a number of residential dwellings to the north.

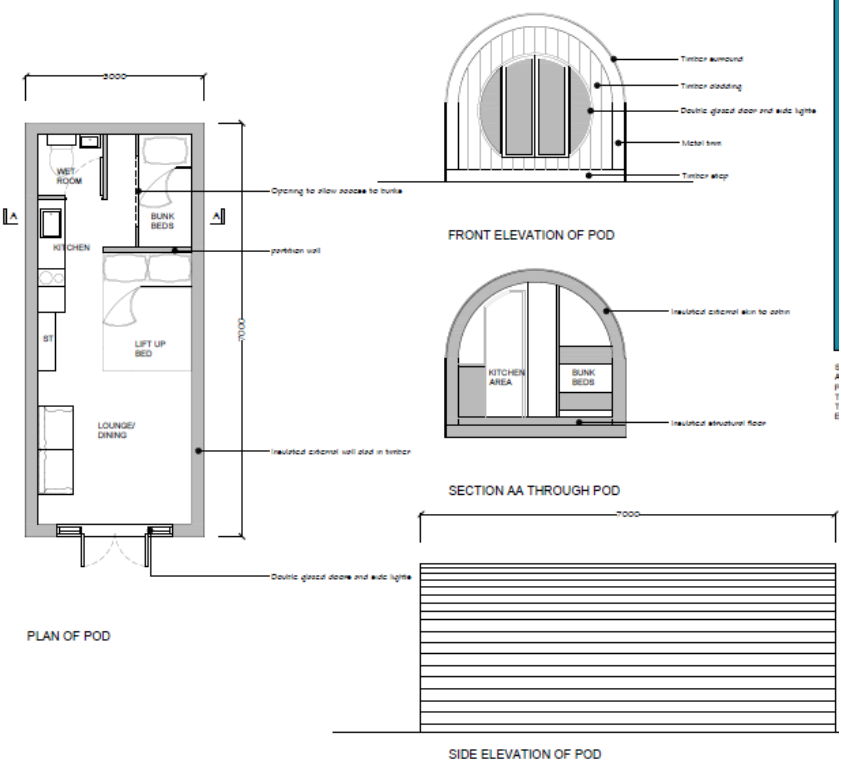


Figure 1.1 Photo of the site

- 1.2 The site is broadly rectangular in shape, measuring approximately 51m x 21m. The proposal includes the provision of 4no. detached leisure pods that would each measure 7m in depth, 3m in width and 2.85m in height. The layout would comprise of an open plan bedroom, kitchen and lounge/dining area, a wetroom and bunkbeds. The pods would be clad in timber with a glazed door and windows to the front elevation. Each pod would have an outdoor decking area measuring 11.7m x 3.5m and parking provision for 1no. car, with access gained off the existing public highway to the north west of the site.
- 1.3 Details submitted on the application form indicate that the pods would be used for leisure/ tourism use.



Figure 1.2 Proposed Site Plan



1.4

Figure 1.3 Proposed Pods Floor Plan and Elevations

This application is presented to Committee as it is contrary to LDP policy SB1 and its consideration and decision is in the wider public interest.

2.0 Site History

	Ref No	Details	Decision
2.1	2438	Change of use from school to furniture storage	Refused 14/02/1980
2.2	3352	Storage of second-hand furniture	Refused 14/05/1981
2.3	8529	Outdoor pursuit centre	Refused 12/07/1990
2.4	C/2003/0242	Bungalow	Refused 11/09/2022 Appeal Dismissed 24/05/2004

3.0 Consultation and Other Relevant Information

3.1 Internal BG Responses

3.2 Service Manager Infrastructure:

Highways: No objection subject to the access road and car parking areas being fully constructed prior to the pods being brought into beneficial use and retained there-after.

3.3 Drainage: No objections. Development will require SuDS approval.

3.4 Ground Stability: No objections.

3.5 Landscape: Holding objection upon submission of a landscape scheme.

3.6 Arboriculture: Holding objection upon submission of a Arboricultural Implications Assessment, Tree Survey and Arboricultural Method Statement.

3.7 Ecology: No objection- subject to carrying out the recommendations and further biodiversity enhancement measures as stated in the PEA.

3.8 Service Manager Public Protection: No objection subject to standard land contamination condition.

3.9 Tourism: No objections, however given the location, and no operator on site, consideration could be given to a curfew time to prevent disturbance to neighbours.

3.10 **External Consultation Responses**

3.11 Town / Community Council: No objections.

3.12 Natural Resources Wales: Concerns raised regarding the private package treatment plant.

3.13 Welsh Water: No objection subject to conditions and informatives.

3.14 Western Power: Assets identified in the vicinity.

3.15 W&W Utilities: Assets identified in the vicinity.

3.16 Coal Authority: No objections.

3.17 **Public Consultation:**

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

3.18 Response:

Representations from four households have been received. These are summarised as follows:

- The village school previously at the site was closed in the nineteen seventies due to the possibility of a mountain slip. This choice disturbed many of the village residents and was the main reason for many of them leaving. It is still a contentious issue with the area previously experiencing landslip issues.
- Following the Aberfan Disaster on the 21 October 1966, the NCB re-examined their buildings and spoil tips. A study of the mountain areas around the town by Geologists, concluded “inadequate qualitative safety factors of the stability of the mountainside, will continue to deteriorate and put the property in the settlement at hazard”.

- No works have been carried out to stabilise the mountain and the balance between village and mountain has not changed. Many trees have been planted and others have grown which help stabilise to area. Residents do not carry out any work to upset stability.
- Will visitors to this site be informed of the history of the school and why it was closed?
- Any buildings on this land leaves the village in peril of a disaster. This would be a contravention of all houses compulsory purchased by the Council previously. Villagers who were encouraged to leave during the 1980s may seek compensation from Blaenau Gwent.
- Armageddon chapel, built in 1875 just above where the school was built 10 years later was closed in 1904 and demolished between 1908 and 1910 because of subsidence.
- Approving an application on the site would be contrary to Council advise for the past 40 + years that due to the potential threat regarding movement and instability of the mountain that there would be no planning permission to build in the village as this could endanger lives.
- Previous applications to build and to live at the site have been refused by Blaenau Gwent Council. The last application was refused due to danger of disturbance and a subsequent appeal dismissed.
- The plans do not provide a side elevation or side view which would demonstrate the large unacceptable drop between the turning area and the position of the proposed POD 4. Further to this, POD 3 is over the wall in the next yard and at least 3 meters below POD4. The roads, in pink, from these pods would be extremely steep and require motorised earth moving equipment and huge unacceptable disruption to the whole region.
- Outside examination of the high bottom walls of the school have shown there to be fine cracks along it particularly where earth under the yards press against the bottom of both walls. These are where POD 4 and POD 3 will be placed. There is going to be a huge amount of disruption in these areas which could cause a collapse of the walls.
- The bottom walls form one side of the 'right of way' to the wooded area and mountain beyond. The listed, Fountain Inn is located on the other

side of the 'right of way'. Any collapse of those walls would infringe on the legal 'right of way' belonging to the owners of the Fountain inn. A collapse could also set off further unwanted movements in the vicinity.

- The pods could house a family of four or more. If all were used, between 16 to 20 people could be living and sleeping in the isolated area, at one time, contrary to previous refusals and appeal decisions.
- Concerns that the proposal will have a detrimental impact on the community.
- Concerns regarding the number of customers and unregulated use.
- No information regarding security, policing or scrutiny. There is no reference to the proximity of the site to the first two houses in the village. The application form confirms no staff will be present or required.
- The site is adjacent to a heavily wooded region and residents have had many problems with fires.
- The proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.
- Concerns regarding noise and disruption arising from increased vehicle and people movement through the village.
- Concerns regarding the use of the pods and the potential for increased antisocial behaviour having a detrimental impact on residential amenity.
- The plans indicate that all four Pods have a road access on to the main turning area for the whole village. There is no village through road so all motor vehicles including large vans and lorry deliveries for residents can only turn in this area. Parking in the 'only turning' area causes obstructions and disruption to the village.
- Only 2 people in the village received letters about the application. Nobody in the village was approached by the applicant requesting their opinions about this project.

4.0 Planning Policy

4.1 Team Manager Development Plans:

4.2 The Blaenau Gwent Local Development Plan indicates that the site lies outside the settlement boundary (Policy SB1).

4.3 The Plan relies on national guidance set out in Planning Policy Wales (PPW) (Edition 11) to control any development outside the settlement boundary. National policy is generally supportive of economic development opportunities in the countryside.

4.4 Paragraph 3.60 states that; “all new development should be of a scale and design that respects the character of the surrounding area.”

4.5 Paragraph 5.6.6 states that, “The expansion of existing businesses located in the open countryside should be supported provided there are no unacceptable impacts.”

4.6 Paragraph 5.6.13 goes on to states that diversification activities come in many forms including tourism projects. These schemes should be supported where there is no detrimental impact on the environment and local amenity.

4.7 Policy SP8 Sustainable Economic Growth reiterates national policy and encourages tourism, leisure and cultural initiatives (criterion d) and supports rural enterprise and activity tourism in the countryside.

4.8 There are therefore no planning policy objections in principle.

4.9 LDP Policies:

SP1- Northern Strategy Area- Sustainable Growth and Regeneration

SP7 – Climate Change

SP8 – Sustainable Economic Growth

SP9 – Active and Healthy Communities

SP10 – Protection and Enhancement of the Natural Environment

DM1 - New Development

DM2 - Design and Placemaking

DM15 - Protection and Enhancement of the Green Infrastructure

DM16 - Trees, Woodlands and Hedgerow Protection

DM19 - Mineral Safeguarding

SB1 - Settlement Boundaries

ENV2 - Special Landscape Area

M1 - Safeguarding of Minerals

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

4.11 PPW & TANs:

- Planning Policy Wales Edition 11 (February 2021)
- Future Wales: The National Plan 2040

5.0 Planning Assessment

5.1 Principle of Development

5.2 Future Wales - the National Plan 2040 was published on the 24th February 2021, and is therefore relevant to this application as it now forms part of the Development Plan. The Plan outlines how foundational economic activities remain the backbone of the rural economy with tourism and leisure recognised as a major and growing employer and contributor to the Welsh rural economy. The plan identifies that the South-East Wales region has the potential to build on its tourism offer and proximity to the Brecon Beacons National Park.

5.3 Policies 1 and 33 support sustainable growth in all parts of Wales with Cardiff, Newport and the Valleys identified as one of three National Growth Areas. Co-ordinated regeneration and investment in the Valleys area to improve well-being, increase prosperity and address social inequalities is also supported.

5.4 Policies 4 and 5 seek to support sustainable, appropriate and proportionate economic growth to help create sustainable and vibrant rural communities. The plan advocates that sustainable forms of tourism, including opportunities for active, green and cultural tourism, should be explored.

5.5 Being mindful of the nature of the proposal and its location, the application is considered compliant with policies 1, 4, 5 and 33 of the Future Wales 2040.

5.6 The Blaenau Gwent Local Development Plan (LDP) indicates that the site lies outside the settlement boundary (Policy SB1). Settlement boundaries are a key mechanism for helping to deliver the LDPs objective of maximising the use of land. They define the area within which development will normally be permitted, subject to other policies in the Plan and material considerations.

The other aim of the policy is to prevent inappropriate development in the countryside.

- 5.7 The LDP relies on national guidance set out in Planning Policy Wales (PPW) (Edition 11) to control any development outside the settlement boundary. National policy is generally supportive of economic development opportunities in the countryside.
- 5.8 Paragraph 3.60 states that; “all new development should be of a scale and design that respects the character of the surrounding area.” Paragraph 5.6.6 advises, “The expansion of existing businesses located in the open countryside should be supported provided there are no unacceptable impacts.” In addition, Paragraph 5.6.13 identifies that diversification activities come in many forms including tourism projects. These schemes should be supported where there is no detrimental impact on the environment and local amenity.
- 5.9 In addition to National Policy, Policy SP8 of the LDP ‘Sustainable Economic Growth’ reiterates national policy and encourages tourism, leisure and cultural initiatives (criterion d) and supports rural enterprise and activity tourism in the countryside.
- 5.10 Following consultation, the Council’s Tourism Manager has confirmed that the area is popular with walkers linking to St James Reservoir and woodland and Sustrans route 467 at Bedwellty Pits, that the proposal would be a valuable addition to local tourist accommodation and the concept is well suited for the location, in a rural location at the southern tip of the village on a site approx. 50m from the nearest house. Furthermore, the proposal supports the Blaenau Gwent Destination Management Plan and the Blaenau Gwent Destination Vision. However, given the location, and no operator on site, the Tourism Manager has requested consideration be given to a curfew time to prevent disturbance to neighbours. Whilst this request is noted, it is considered that noise arising from the use will be largely self-regulating and a curfew condition would be very difficult to enforce given the limited and temporary use of the pods. A condition has however been suggested to address these concerns, requiring the submission of an accommodation user guide, which outlines essential information and ‘site rules’ such as recommended quiet times, a restriction on fires outside of any dedicated fire pits, and contact details for the owner/ operator in the event of an incident of emergency etc.

- 5.11 Based on the above, the principle of providing 4no. pods in this location for tourism purposes is considered acceptable and aligns with both local and national planning policy.
- 5.12 Ground Stability
- 5.13 The principal public concerns and objections with regards to the proposal relate to the stability of the site which has historically led to the closure and demolition of a church, school and a number of residential dwellings.
- 5.14 The Council's Infrastructure Services Manager and Geotechnical Officer have been consulted on the application and confirmed that historical reports for the area identify there have been several landslips reported, the earliest in the 1910s and as recent as the 1970s. They occurred because of the geotechnical setting of the area and heavy rainfall (all reported movement occurred within winter months). The latest report/ letter available on the site is from 1976 which advises the Council to keep monitoring the hillside for movement. The Council are not aware of any recent movement in the area and it is no longer monitored.
- 5.15 The site appears to be on the southern edge, or slightly outside of the slip area and on the footprint of some former development. Whilst the Council's Infrastructure Services Manager and Geotechnical Officer do not think this is on historic slip material, they confirmed it should be investigated with the recommendation that a Desk Top Survey (DTS) be submitted plotting the plot the extent of the slip and associated risk zones in relation to the development from historic reports etc, the DTS would then identify if a Coal Mining Risk Assessment (CMRA) is required, and if a slope stability assessment would be needed.
- 5.16 Although a CMRA had been submitted as part of the initial application, in light of the consultation response a DTS by Dr J Stewart Noake, Engineering Geologist and Mining Consultant has also been received. The relevant internal consultees were re-consulted on this information and confirmed that although very similar to the CMRA, the information has been supplemented with some additional narrative relating to the history of the site and the geology, the slips are referenced and it is demonstrated that the proposed development falls outside of the recorded slip areas and any impact zones. The consultees have therefore confirmed the submitted information has demonstrated that the site can be developed, and it acceptable from a ground stability perspective. The proposal is therefore considered compliant with criteria i of LDP policy DM1 (2).

5.17 Coal Authority

5.18 Part of the site falls within a High-Risk Area with the application supported by a Coal Mining Risk Assessment Report (dated April 2023, prepared by Dr J Stewart Noake).

5.19 Following consultation, The Coal Authority have confirmed that based on the submitted information and considering the nature of development proposed, they raise no objection to the planning application. However, more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application.

5.20 Layout, Scale and Design

5.21 The pods would be located within the Cefn Manmoel Special Landscape Area (SLA). Policy ENV2 states development within the defined Special Landscape Areas will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area. This is supported in PPW 11 (paragraph 3.60) which states that all new development should be of scale and design that respects the character of the surrounding area.

5.22 Given the extent of the site, in conjunction with the layout proposed it is considered that the site can accommodate the proposal without appearing as overdevelopment.

5.23 In this instance it is considered that the concept, design, size, number of pods, and external materials proposed are appropriate for the location whilst the existing mature trees and additional landscaping proposed would help integrate and assimilate the development into its setting. It is therefore considered that the proposed is acceptable in terms of scale and design and respects the character of the surrounding area and SLA.

5.24 Considering the above the application is considered compliant with LDP policies DM1, DM2 and ENV2.

5.25 Neighbouring Amenity

5.26 The proposed pods would be located on an area of land that previously housed a school. The nearest residential dwellings would be located approximately 42m to the north/ north-west of the site. Due to the separation distance, and as the site is located at a lower level than the neighbouring dwellings, there is

not considered to be a detrimental impact of the amenity of neighbouring properties.

- 5.27 It is noted objections have been raised regarding potential anti-social behavior at the site, and no information has been included with the application regarding security or policing of the site and no staff would be present at the site. These concerns appear to be based on the assumptions of people's behaviour staying at the site. It is difficult for the planning process to give any significant weight to the potential behaviour of individuals. If antisocial behaviour were to occur, this would be a matter for the owners of the site and any other bodies responsible for dealing with behaviour of this nature, such as the police.
- 5.28 As specified above, the imposition of a condition imposing a curfew is also unlikely to be enforceable, given the limited and temporary periods of time the pods would be occupied for. However, being mindful of these concerns, in conjunction with the recommendations made by the Council's Tourism Manager, an accommodation user pack, to be provided in each pod could be secured by condition.
- 5.29 Subject to a condition requiring the submission of an accommodation user pack, the application is considered compliant with the relevant requirements of LDP policy DM1.
- 5.30 Ecology
- 5.31 To support the application a Preliminary Ecological Assessment has been submitted produced by Ecological Services Ltd, dated 13th July 2023. The Council's Ecological Officer has been consulted and confirmed that providing the recommendations and further biodiversity enhancements outlined in the PEA are successfully implemented there should be no long-term negative impacts and the proposal is in accordance with Policies SP10 and DM14.
- 5.32 Landscape and Arboriculture
- 5.33 The Council's Landscape Officer has confirmed the proposal is located within Special Landscape Area ENV2.6 (Cefn Manmoel). To protect the visual qualities any development proposal within these areas will be required to conform to the highest possible design standards. However, as some of the development is contained behind existing stone boundary walls and as the pods are small in scale (7m x 3m x 2.85m) with external timber cladding, it is considered that the proposal will not have a significant visual impact upon the landscape.

- 5.34 To mitigate any potential visual impact further, the Landscape Officer has requested a detailed landscape scheme be provided that not only seeks to minimize loss of existing trees and woodland, but supplements planting that would help the development connect and integrate with the local green infrastructure and landscape. Although the submitted proposed site layout indicates some existing and proposed planting on the site, in light of the consultation response, a condition has been recommended requiring the submission of a more detailed hard and soft landscaping scheme.
- 5.35 With regards to Arboriculture, it is noted that there are several trees within and adjacent to the proposed development boundary which could be negatively impacted by the construction of the proposed development. Whilst none of the trees are the subject of a Tree Preservation Order or protected by a Conservation Area designation an Arboricultural Implications Assessment, Tree Survey and Arboricultural Method Statement was requested prior to determination to allow for a further assessment of the impact of the proposal to be undertaken.
- 5.36 A Tree Survey & Arboricultural Impact Assessment has subsequently been received. Following a further round of consultation, no further response has been received from the Council's Arborist. Given the nature of development and location of the trees in relation to the pods, in conjunction with the additional landscaping details to be secured be condition, it is considered that the existing trees on and adjacent to the site can be protected and supplemented subject to the imposition of appropriate conditions. The application is therefore considered compliant with LDP policies DM15 and DM16.
- 5.37 Highways
- 5.38 Concerns have been raised in relation to the increase in the amount of traffic travelling to the site. As there are only 4no. pods proposed and they are quite small in size, accommodating a maximum of 4 people, it is not considered that there would be such an increase in the number of vehicles using the public highway to warrant refusal of the application on such grounds. Following consultation, the Highways Manager has confirmed they have no objections to the proposal.
- 5.39 Comments have also been received stating that the village is a no through road, so all motor vehicles including large vans and lorry deliveries for residents can only turn in the turning area where access to the pods is proposed to be located. The objector states there have previously been problems with vehicles parking in the 'only turning' region. There are already

'no parking' notices from the council in the turning area. Whilst these comments are noted, the pods are proposed to have 1no. on-site parking space each, which the Highways Manager has confirmed is sufficient.

5.40 Being mindful of the provision proposed it is considered unlikely that cars would park in the turning area and the proposal would not have a detrimental impact on highway safety. The application is therefore considered compliant with LDP policy DM1(3) a, b, c & d.

5.41 Public Right of Way

5.42 There is Public Right of Way (PRoW) that runs along the south-western edge of the application site (route number 339/7/1). As the PRoW is outside the boundary of the application site, it is not considered to be impacted by the proposal.

5.43 Comments have been received raising concerns that the stone wall running alongside the footpath and forming part of the development could collapse onto the PROW affecting its usability. These comments are noted, however it would be the responsibility of the owner of the site to ensure the walls remain structurally safe throughout the development works. Obstructing a PRoW is a criminal offence that is regulated by legislation outside of Planning controls. The height of the walls on the site has not been confirmed. However, being mindful of the potential scale of the walls and their proposed function as part of the development, it is considered reasonable to request the submission of a condition survey to ensure any retaining walls over 1.5m in height are structurally sound and capable of accommodating the development.

5.44 Minerals

5.45 The proposed site is within a coal safeguarding area as defined by LDP policies DM19 and M1. Policy M1 'Safeguarding of Minerals' identifies the site is a Limestone, Sandstone and Primary and Secondary Coal Resource.

5.46 Policy DM19 'Mineral Safeguarding' states that development proposals will not be permitted where they would permanently sterilise important mineral resources within Aggregate and Coal Safeguarding Areas identified on the Proposals map unless:-

- a. The mineral resource is recovered before development commences; or*
- b. The developer satisfactorily demonstrates that the extraction of the mineral is impracticable, uneconomic or environmentally unacceptable; or*
- c. The scale and location of the development would have no significant impact on the possible working of the resource: or*

d. It is temporary development and can be implemented and the site restored within the timescale the mineral is likely to be required

- 5.47 Sandstone and limestone resources are hard rock deposits which typically require deeper extraction consisting of blasting. Due to the impacts the extraction methods can have on sensitive land uses a minimum buffer distance of 200 metres from sensitive development is typically required (as set out in Mineral Technical Advice Note 1). Sensitive development is defined as “any building occupied by people on a regular basis and includes housing areas, hostels, meeting places, schools and hospitals where an acceptable standard of amenity should be expected.”
- 5.48 Given the location of existing residential development in the area (within 45m of the application site) it could be argued that the resources at the site are currently sterilized. As there are no preferred search areas or minerals allocations/permissions in the immediate area, it is considered that the development is unlikely to affect future mineral proposals. It should also be noted that National policy no longer requires the safeguarding of Coal resources.
- 5.49 Being mindful that the excavation of any resource on site may have already been sterilized by the proximity of existing residential dwellings plus the nature and scale of the proposal, it is considered the development would not prejudice the future exploitation of the resource at the site should a need be identified. In addition the pods are not considered to be a permanent development that would prevent the site being restored should the mineral be required. Subject to the suggested condition requiring the submission of a site decommissioning and restoration plan, the proposal is considered to be in accordance with policy DM19 (C) and (d).
- 5.50 Environmental Health
- 5.51 The Councils’ Environmental Health Officer has been consulted on the application and confirmed they have no objection to the proposal. However, as the land the pods will be built upon was previously used as a school which has since been demolished, they have requested the standard land contamination condition is applied to this permission. An appropriately worded condition has been suggested for this permission. Subject to the condition, the application is considered compliant with LDP policy DM1 2.j.

5.52 Drainage

5.53 The Councils' Drainage Manager was consulted on the application and confirmed they have no objections, however as this application is for an area more than 100m² it will be necessary to apply for SuDS approval. An informative has been recommended reminding the applicant of their duty.

5.54 Originally the proposal involved the installation of a private package treatment plant to serve the development. Welsh Water confirmed they had no objections to this in principle. NRW however objected to the disposal of the foul drainage to a private sewerage system, i.e. package treatment plant as the site is located within a publicly sewered area. The installation of private sewage treatment facilities within publicly sewered areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems.

5.55 To address these concerns the application has been amended to confirm that foul water would be disposed of via the public sewer. Welsh Water were re-consulted and have subsequently advised that the site is crossed by a public sewer and there is capacity within the network to accommodate the domestic foul flows from the development. A condition is requested preventing the disposal of surface water and/or land drainage directly or indirectly into the public sewerage network. The condition is considered necessary to prevent hydraulic overloading of the system. Based on the information supplied by Welsh Water it appears that the development will be outside of the easement of the public sewer.

5.56 Subject to the imposition of conditions and informatives, the application is considered compliant with LDP policy DM1 2.e.

5.57 Other Matters

5.58 Concerns have been raised regarding a lack of notification and community engagement with regards to the application. It is confirmed that the statutory requirements regarding notification of this type of application has been adhered to. The nearest 4 properties to the application site were sent notification letters and 2 site notices were displayed at and around the site. The application also appeared on the Weekly List which is published on the Blaenau Gwent Council website. Whilst the Council encourages developers to engage with the community prior to submitting an application, there is no legislative requirement for a proposal of this scale.

- 5.59 Comments have been raised regarding the refusal of a previous planning permission at the site C/2003/0242 for a bungalow, stating it was refused at application stage and at appeal stage due to the potential impact on ground stability. It is noted that the previous reasons for refusal were:
- 5.60
1. *The proposal is contrary to Policy H3 of the Local Plan in that the use of the residential units has not been demonstrated to be necessary for agriculture or forestry workers.*
 2. *The proposal is contrary to Policy H13 of the Local Plan since it does not provide a continuous extension to an existing development.*
 3. *The proposal is contrary to Policy H5 of the emerging Unitary Development Plan since it does not provide a continuous extension to an existing development or the defined urban area.*
 4. *The proposal is contrary to Policy H7 of the emerging Unitary Development Plan in that the use of the residential units has not been demonstrated to be necessary for agriculture or forestry workers.*
- 5.61 The four reasons for refusal relate to the provision of a permanent dwelling in the countryside, outside the defined settlement. The appeal was then dismissed by the Planning Inspectorate on the grounds that the proposal would harm the character and appearance of the surrounding countryside. Neither the application nor the appeal was refused on ground stability reasons. The current proposal seeks permission for a tourism use, the occupation of which could be controlled by conditioned to ensure that none of the pods become a permanent dwelling.
- 5.62 Comments regarding claims for compensation from residents who have historically been moved/displaced from houses in Troedrhiwgwair are not material planning considerations to be considered under this report. As previously outlined, it is acknowledged that there have been historic landslides in the area, however the applicant has submitted information to demonstrate the site is stable for the proposed works, with statutory consultees agreeing with the findings.
- 5.63 Comments have also been received regarding the setting of fires and anti-social behavior at/near the site. These are not material planning considerations and should be dealt with by the appropriate authority e.g. The Police.
- 5.64 It will be down to the discretion of the applicant if they inform visits of the history of the site. This is not a material planning consideration.

5.65 Conclusion

5.66 On balance, having carefully considered the issues above, I am satisfied that the provision of 4no. leisure pods will not have an unacceptable impact upon the mineral resource, neighbouring amenity, or on the streetscene or wider Special Landscape Area and is acceptable subject to conditions in accordance with LDP Policies DM1, DM2, SB1, ENV2, DM19 and M1.

6.0 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.

7.0 Conclusion and Recommendation

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

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:

- Site Location Plan – recorded received 2nd May 2023;
- Proposed Site Layout, Drawing Number 1611(2)/PLN/001 Rev C, recorded received 18th July 2023;
- Proposed Plans, Elevations & Section of Holiday Pods, Drawing Number 1611(2)/PLN/002, recorded received 9th March 2023;
- Coal Mining Risk Assessment, by Dr J Stewart Noake, Dated April 2023;
- Desktop Survey and CMRA, by Dr J Stewart Noake, Dated July 2023;

- Preliminary Ecological Assessment, Ecological Services Ltd, Dated 13th July 2023;

Reason: To clearly define the scope of this permission.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping. The submitted scheme shall include :-

- a) indications of all existing trees (including spread and species) and hedgerows on the land clearly identifying those to be lost or retained;
- b) measures for the protection of retained trees or hedges throughout the course of development;
- c) details of ground preparation, planting plans, number and details of species;
- d) maintenance details for a minimum period of 5 years;
- e) details of hard landscaping for the access road and;
- f) a phased timescale of implementation

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

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenity and to ensure the development makes a positive contribution to the landscape.

5. All tree (including roots) and/or hedgerow protection works shall be implemented in full accordance with details and timescales to be submitted to and approved in writing by the Local Planning Authority before works commence on site. The approved protected area shall form an exclusion zone whereby no activities are to take place including storage of materials, trafficking of vehicles and plant and changes in soil levels. All fencing provided shall remain in situ until all works have been completed in accordance with the approved plans.

Reason: To ensure adequate protection of the landscape features of the site.

6. No development shall take place until a structural survey, design and construction details of any retaining wall than exceeds 1.5 metre in height on the site has been submitted to and approved in writing by the Local Planning Authority. The survey shall be carried out by a suitably qualified engineer. All required remedial works shall be undertaken and completed in full accordance with such details and specifications as may be approved and within a timescale to be agreed in writing by the Local Planning Authority.

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

7. The proposed enhancement recommendations and measures as outlined in the Preliminary Ecological Appraisal by Ecological Services Ltd, Dated 13th July 2023' shall be implemented 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.

8. The access road and car parking areas shall be fully constructed prior to the pods being brought into beneficial use and retained as such there-after.

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

8. Prior to the first beneficial use of the pods of site, details of an accommodation user pack shall be submitted to and approved in writing by the Local Planning Authority. The operator of the site shall ensure a copy of the approved pack is placed in each pod and retained as such thereafter.

Reason: In the interests of the amenity of the area.

9. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by and one person exceeding a period of 90 consecutive days in any 365 day period.

Reason: To prevent inappropriate development of new dwelling in countryside contrary to Local Development Plan Policy SB1 and the requirements of Planning Policy Wales (Edition 11).

10. No surface water and/or land drainage from the development 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

11. 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 the site, 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 because of potential land contamination are satisfactorily addressed.

12. Within 12 months of the last beneficial use of the site for tourism purposes, a decommissioning and site restoration scheme, shall be submitted for the written approval of the Local Planning Authority.

The decommissioning and site restoration scheme shall make provision for, the removal of the pods and associated above ground infrastructure and details of the depth to which any foundations will be removed.

The survey report shall be submitted to and approved in writing by the local planning authority prior to the commencement of decommissioning and then implemented as approved. The report shall include ecological mitigation measures, as appropriate, for a period of 5 years from the completion of the decommissioning and restoration.

The approved scheme shall be fully implemented within 24 months of the last beneficial use of the site for tourism purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that obsolete structures do not adversely affect the environment in the interests of the character of the area.

Informatives:

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

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

2. The applicant is advised of the following legislation:

- All wild birds, their nests and their eggs are protected under the Wildlife and Countryside Act 1981 (as amended).
- All British reptiles are protected from intentional killing, injuring and sale under Schedule 5 of 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:

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

3. The applicant's attention is drawn to the informatives outlined in Dwr Cymru / Welsh Waters response. Their response is attached to this permission for their information.

8.0 Risk Implications

8.1 None.

Planning Report

Application No: C/2023/0085	App Type: Full
Applicant: Mr Alan Denning Heathwood 203 Badminton Grove Ebbw Vale NP23 5UN	Agent: Mr Alan Denning Heathwood 203 Badminton Grove Ebbw Vale NP23 5UN
Site Address: HEATHWOOD, 203 BADMINTON GROVE, EBBW VALE, NP23 5UN	
Development: Retention of garage/garden room extension	
Case Officer:	Sophie Godfrey



1.0 Background, Development and Site Context

- 1.1 This application seeks planning permission for the retention of a garage/garden room extension at 203 Badminton Grove, Ebbw Vale. The site consists of a detached dwelling located on the western side of Badminton Grove within the settlement boundary of Beaufort. Residential properties are found to the north and south of the site, with the public highway of Badminton Grove to the east and open green space to the west.
- 1.2 The site comprises of a 1.5 storey detached dwelling. The property benefits from a driveway/parking area to the north, with the main outdoor amenity space to the rear/west.
- 1.3 The outbuilding for which retrospective planning permission is sought is located to the rear, north/north west of the dwelling, is single storey and measures a maximum of 10.3m in depth, 4.25m in width, 2.3m to the eaves and 3.15m to the ridge. The development currently comprises of concrete blocks with dark grey roof tiles.



Figure 1.1 Photo of garden room



Figure 1.2 Photo of development in its current form from neighbouring garden at 205 Badminton Grove

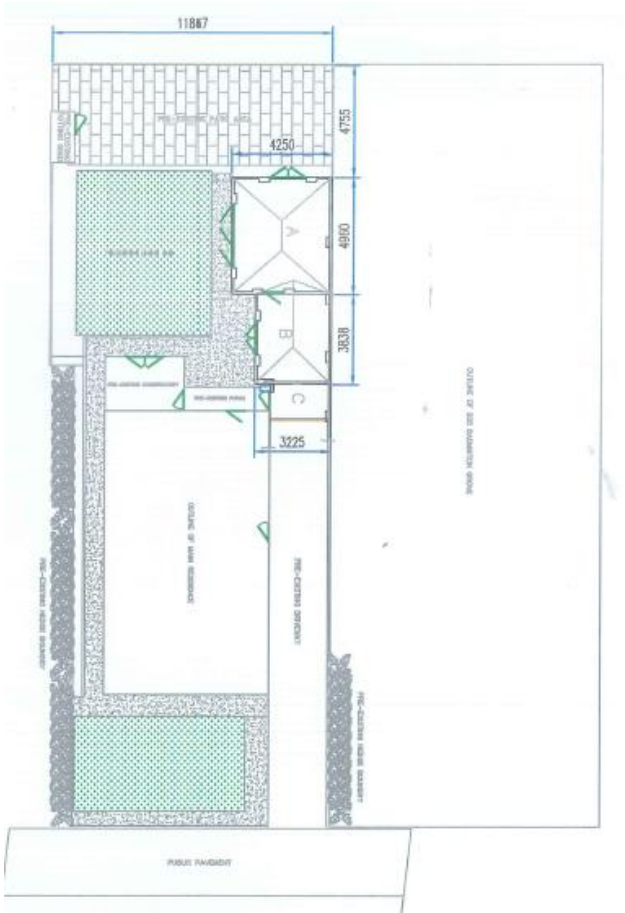


Figure 1.3 Site Plan of development

1.4 Following negotiations with the applicant regarding the lack of drainage provision on the development, revised plans have been received on which the application has been considered. The amended plans include the cutting back of the roof so that it would be set in from the northern boundary and the installation of aluminium guttering along the entire length of the development. No works are proposed to overhang the boundary wall. Neighbours were re-consulted on the amended plans and provided further comments.

1.5 The northern elevation of the development now forms the boundary wall between 203 and 205 Badminton Grove. Ownership Certificate B has been completed on the application form and the applicant has served notice on the neighbouring property.

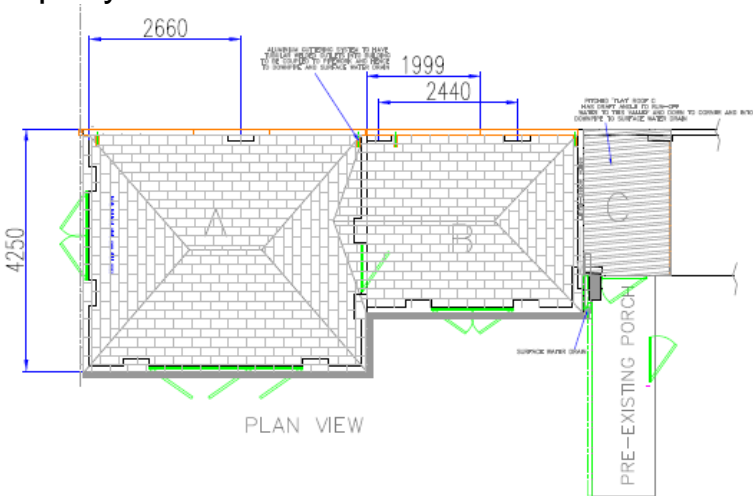


Figure 1.4 Roof Plan of development

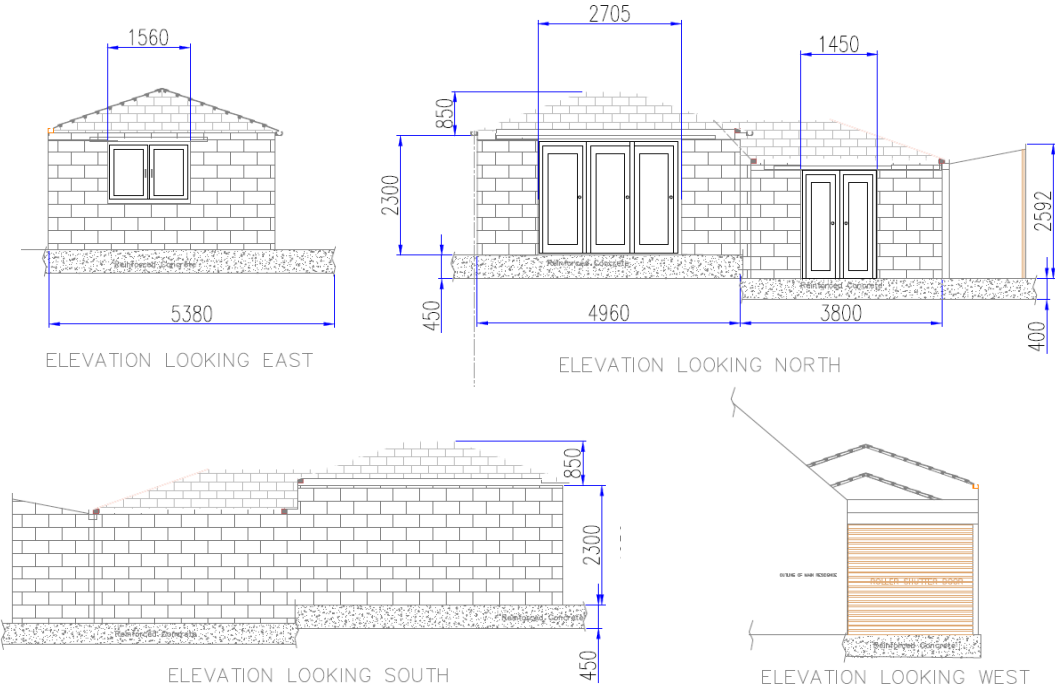


Figure 1.5 Elevations

- 1.6 This application is being presented to committee as it has been called in by a Committee Member due to the potential impact on the amenity of the neighbouring property at 205 Badminton Grove.

2.0 Site History

- 2.1 None.

3.0 Consultation and Other Relevant Information

3.1 **Internal BG Responses**

Team Leader Building Control: There has been no communication from the owners so far from a Building Control perspective. It cannot be determined if the works are compliant with current regulations due to the fact that the works have not been supervised.

- 3.2 Service Manager Infrastructure:
Highways: No objections.

- 3.3 Service Manager Public Protection: No objections.

This is usually not something Environmental Health comment on at planning stage. The building regulations set out requirements for many aspects of guttering. These include the positioning and size of downpipes and the acceptable drainage options. They also give calculations for working out the flow rate that guttering must meet.

Environmental Health became involved as the water was directly discharging onto the neighbouring property. However, as no guttering was in place it was referred to planning enforcement. Environmental Health involvement is usually under the Building Act where there is defective guttering.

3.4 **External Consultation Responses**

- 3.5 Welsh Water: No objection subject to conditions and informatives.

- 3.6 Western Power: Assets identified in the vicinity.

- 3.7 W&W Utilities: Assets identified in the vicinity.

3.8 **Public Consultation:**

- 2no. letters to nearby houses
- website public register of applications
- ward members by letter

- all members via weekly list of applications received

3.9 Response:

As part of the first consultation exercise 2 representations were received from neighbouring properties raising the following concerns:

- 3.10 • The development is ugly, tall and interferes with satellite dish TV reception.
- 3.11 • Object to the height and length of the building, removal of boundary wall to be used as the wall of the building, the overhang of the roof and dispersal of water into neighbouring property.
- 3.12 • In between purchasing 205 Badminton Grove and moving in, the red brick boundary wall was removed and a breeze block wall erected in its place. The construction of the building was rushed prior to moving in.
- 3.13 • Based on the original footprint of the property, the bungalow already has a rear extension and now with the outbuilding over 50% of the property has been developed.
- 3.14 • The applicant has not purchased the land to the rear of their original garden to extend their garden, they have just acquired it.
- 3.15 • There are 3 different heights to the building with 3 separate roof structures. The middle section of the roof is lower than the back section, therefore the water cannot drain properly even if there was guttering installed. The guttering would either have to run from the back roof down to the lower levels to a downpipe or start at the middle and go to the back section. Water cannot run uphill.
- 3.16 • Why can't the middle and back roof sections slope into the applicant's garden? The front section of the construction is sloping backwards.
- 3.17 • The height of construction is way over the 2 metres allowed for boundaries and is not at least 1 metre away from the boundary due to its height.
- 3.18 • The building is tied into the boundary block wall and there is no party wall agreement in place.
- 3.19 • There is a garage at the front of the building. There are concerns that a car parked in there could cause a fire hazard to neighbouring conservatory.
- 3.20 • Mounds of concrete, breeze blocks and rubbish from the build had been left in neighbouring property which objector had to remove.
- 3.21 • The construction is unsightly, aesthetically very displeasing to look at and is causing a lot of stress and anxiety.
- 3.22 • The building will have a detrimental effect on the value of neighbouring property.
- 3.23 • The size of the building has resulted in a loss of light and causes overshadowing.

- 3.24 • The applicant has disrespected planning/and or building regulations and the neighbours. The applicant states he wasn't aware of the need for planning permission which is hard to believe as he works in planning.
- 3.25 • The incorrect address has been provided on the submitted plans. The plans state they are still to be checked and were drawn up on 27.09.2022.
- 3.26 • The 'fix' of the water problem on the highest building with the 12inch plastic board has now started to warp in the heat and when it rains water is still dispersing onto neighbouring property.
- 3.27 • Anything less than refusal of planning permission is making a mockery of the system and a complete disregard to the Councils regulations and to neighbours.

3.28 Following the re-consultation of amended plans, one of the original objectors provided the following comments:

- 3.29 • It is quite obvious that as far as planning was concerned water ingress to the neighbouring property is the only problem.
- 3.30 • The overall height of the building is not satisfactory for a boundary wall.
- 3.31 • Confirmation requested regarding the planning laws regarding boundary wall height as objector is led to believe by the planning portal its 6ft 6.
- 3.32 • The sloping elevation on the first part of the build [building C] which the plans state is on an angle and running into the applicant's guttering has been there all along but does not stop the flow of water running into neighbouring property as the building alongside it is so much higher that it runs off into the neighbouring property. Clarification is required that if the roof trusses are cut back and aluminium guttering installed, where will the guttering go as there are 3 different heights of the roof - water cannot run up hill.
- 3.33 • Photos of the original garage show the front garage with the roof sloping backwards and not at such a ridiculous height, being the same height as the fence.
- 3.34 • Whilst the application is to replace the garage, it is not built to original specification in terms of length and height. The original garage wall is the boundary wall belonging to our address to which there was no prior agreement to replace it. No party wall agreement is in place.

4.0 Planning Policy

4.1 LDP Policies:

DM1 – New Development
DM2 – Design and Placemaking
SB1 – Settlement Boundaries

4.2 PPW & TANs:

Planning Policy Wales (PPW) (Edition 11)

Future Wales: The National Development Plan for Wales 2040 (February 2021)

4.3 SPGs

Householder Design Guidance (February 2016)

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

5.0 Planning Assessment

5.1 Principle of Development

The site lies within the settlement boundary as defined by the policy SB1 of the adopted Blaenau Gwent Local Development Plan and as such falls to be considered against the relevant policies in the Plan. Supplementary Planning Guidance (SPG) Householder Design Guidance is also applicable in the determination of the application.

5.2 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. 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. Being mindful of the nature of the proposal and its location, the application is considered compliant with these policies.

5.3 The property lies within an established residential area and it is considered that the development is compatible with surrounding uses in the locality as required by policy DM1 2a.

5.4 Scale and Appearance

The Council's Householder Design Guidance SPG states developments such as this must be smaller in scale and subservient to the house. In addition, they must not be over dominant in relation to the existing and surrounding properties.

5.5 In terms of scale, the building is single storey and has a much smaller footprint than the host dwelling, it is considered subservient to the host dwelling and is not over dominant to any neighboring property. The application site benefits from a good size rear garden, therefore sufficient amenity space remains to serve the dwelling and the development is not considered overdevelopment of the application site.

5.6 Neighbouring Amenity

An objector has raised concerns regarding the impact of the building in terms of overshadowing and loss of light to the neighbouring property and garden at 205 Badminton Grove. It is acknowledged that the proposal would result in an increased amount of overshadowing to the rear garden of the property at 205 compared to the previous fence/wall that was in place. However, as the building is not considered to be substantial in height at 2.3m to the eaves (2.75 including concrete plinth) and 3.15m to the ridge (3.6m including concrete plinth), it is considered that different parts of the neighbouring garden would still benefit from a good level of sunlight for most of the day.

5.7 The photo below was taken at approximately 9.30am which shows a large area of the neighbouring garden receiving sunlight. Due to the orientation of the building the amount of shadow would also decrease as the sun rises towards midday.



5.8

Figure 1.6 Photo of neighbouring garden

Members should also note the fall-back position in terms of this application, and what works could be carried out by virtue of exercising permitted development rights:

- a) In terms of boundary treatments, a new fence/wall could be erected along the boundary 2 metres in height without the requirement of planning permission. The eaves height of the development is not considered to be substantially taller than a fence/wall of that height. Whilst the roof is at a height of 2.3m to the eaves and 3.15m to the ridge (3.6m when measured from neighbour's garden level) it is noted that the roof slopes away from the boundary thus reducing the impact in terms of its mass.
- b) In terms of outbuildings, in general, providing it would be located more than 2m away from the boundary and dwelling, it could measure up to 4 metres in height without the requirement of planning permission. In addition, an outbuilding could be erected measuring up to 2.5 metres in height (subject to other additional conditions) along the boundary of the site (which exceeds the current eaves height).
- c) Alternatively, a rear extension could be built measuring up to 4 metres in depth from the original rear elevation of the property and up to 3

metres in height to the eaves and 4 metres to the ridge (subject to other additional conditions).

- 5.9 It is therefore considered that a number of different developments could be undertaken at the site under permitted developments rights that would have a comparable or even greater impact on the neighbouring properties than the submitted proposal.
- 5.10 There are no windows facing the neighbouring property, as such there are no concerns in relation to any loss of privacy on neighbouring occupiers. Moreover, it is noted that the host property has a first floor balcony on the rear elevation. As shown on the photos below, views into the neighbouring garden from the balcony were highly visible prior to the building of the garage/garden room. The development now largely blocks views from the balcony, as such the development has increased levels of privacy to the neighbouring occupiers (shown in figure 1.8 below).



Figure 1.7 Photo from sales particular showing balcony on host dwelling prior to construction of garage/garden room (source: Rightmove)



Figure 1.8 Photo showing views from existing balcony are now obscured due to intervening outbuilding

5.11 Overbearing Impact

Whilst it is acknowledged that the development is located on the boundary of the properties at 203 and 205 Badminton Grove, as it is not considered to be of substantial height. In my opinion, it does not cause an overbearing impact on any neighbouring property great enough to warrant refusal.

5.12 It is also worth noting that historically there has been a garage/outbuilding in this location, along the boundary of the site, albeit at a lower height. The photo below (figure 1.9) provided by the applicant was taken in 2015 and shows the flat roof garage and pitched roof outbuilding which were previously present at the application site and formed the boundary wall. Figure 1.10 shows an aerial photo taken from Google Earth in 2021 showing the location of the former garage and outbuilding along the boundary of the property. The objector has also stated that when they purchased the property, the boundary consisted of a red brick boundary wall (likely to be the former garage/outbuilding structure).



Figure 1.9 Photo of pre-existing outbuilding and garage from 2015



Figure 1.10 Aerial image of site from 2021 showing location of pre-existing garage and outbuilding

- 5.13 Having considered the impact on neighbouring amenity, on balance, and having regard to the fall-back position of the developments that could be undertaken under permitted development rights, and as the neighbouring garden would still benefit from a good level of sunlight for most of the day, it is

not considered that there would be an unacceptable impact on neighbouring amenity in terms of overbearing, overlooking or overshadowing to justify refusal of planning permission.

5.14 Visual Amenity

Due to the location of the development, only the front elevation would be visible from the public highway and due to its set back, even the front elevation would not be highly visible from the streetscene. The photo below shows views from the public highway of Badminton Grove. The front elevation has the appearance of a garage with a brown roller shutter door which are commonly found in residential areas. It is therefore considered that the development would not have a detrimental impact on the visual amenity of the streetscene.



Figure 1.11 Photo of front elevation of garage from Badminton Grove

5.15 It is noted that objections have been received regarding the development being aesthetically displeasing with the roof being at 3 different heights. As previously outlined, the outbuilding is not readily visible from the streetscene, and it is not considered the differing heights is unacceptable from a visual amenity perspective.

5.16 At present the outbuilding walls are bare concrete blocks, which is not considered to be of good design when viewed from within the application site, or from the neighbouring property at 205. No finishing materials have been provided as part of this application, therefore a condition has been suggested

requiring the submission of materials and their application within a specified timeframe. Whilst the condition would require details of finishes to all elevation, Members should note that in order to apply finishing materials to the northern elevation of the building (as viewed from the garden at no. 205), access would be required from within the neighbouring property. Whilst the application of finishing materials would be more visually pleasing for neighbouring occupiers, they are under no obligation to provide the applicant with access to apply such finishes. However, an informative has also been suggested informing the applicant that if third parties will not grant access for them to apply finishes to the northern elevation, they will need to apply to remove or amend the wording of the condition. It is considered that subject to appropriate finishing materials the proposal is acceptable from a visual amenity perspective.

5.17 Drainage

Objections have been raised from neighbouring occupiers regarding the discharge of water from the roof into the property at 205 Badminton Grove. The original submitted plans did not include details of any proposed guttering on the outbuilding. After undertaking a site visit and receiving information from the neighbour, it was apparent that water was discharging off the roof of the development as currently constructed into the neighbouring garden. The applicants have installed a drainage channel with plastic boarding to section A of the building, however the neighbours have stated this is not sufficient, and water is running behind the board which is now bowing in places.

5.18 Following further discussions with the applicant, amended plans were received which show the roof of the development will be cut back from the boundary, and aluminium guttering will be installed on top of the boundary wall for the entire length of the outbuilding. This will address concerns regarding the current overhang of building 'B' and the guttering will direct water into a channel with downpipes discharging the water into the application site. It would also mean the existing white Upvc fascia to building 'A' could be removed.

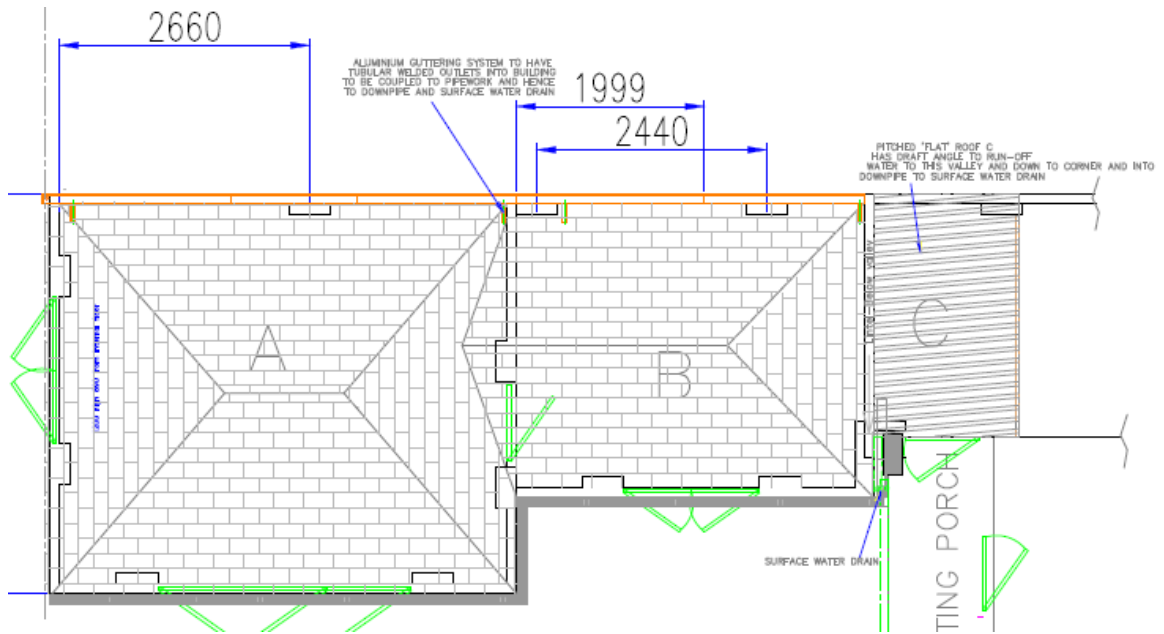


Figure 1.12 Roof Plan showing drainage

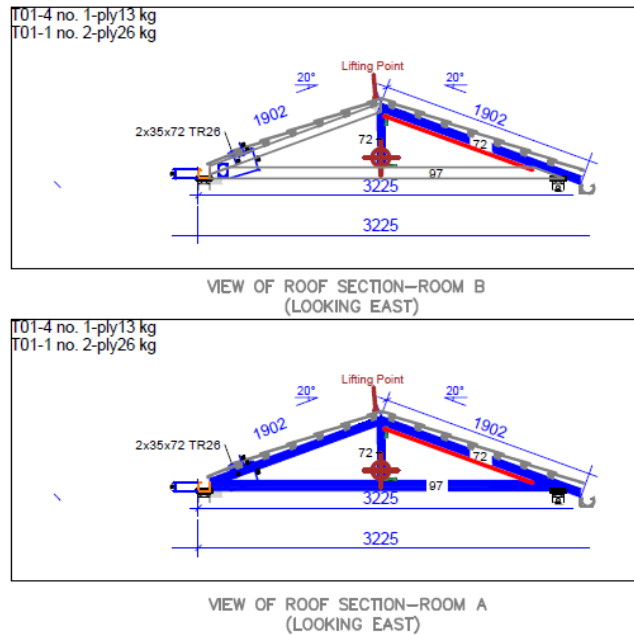


Figure 1.13 Roof Section showing drainage

5.19 The neighbouring occupiers have been re-consulted on the amended plans, however, have confirmed their objections regarding the drainage still remain. They comment that the sloping elevation on the first part of the building which is stated to be at an angle with water running into the guttering (building C) is already in place but does not stop the flow of water running into their property

as the building alongside it is so much higher. They maintain concerns that that even if the roof trusses are cut back and aluminium guttering is installed it will still not be effective. Whilst these concerns are noted, it is considered that the proposed drainage/guttering, which now falls within the applicant's land ownership and negates the need for any overhang, would adequately deal with normal levels of rainfall. It is noted that during periods of heavy rainfall water run off may find the nearest escape route which may result in some discharge into the neighbouring property. Should the drainage prove to be defective following installation and cause unacceptable levels of discharge onto the neighbouring property this would be dealt with by Building Regulations and/or Environmental Health under their respective legislation.

5.20 Highways

The Council's Highways Manager has been consulted on the application and confirmed they have no objection to the development. There is sufficient space remaining within the property to provide adequate off-street parking provision.

5.21 Ecology

Following a LERC (Biodiversity Information & Reporting Database) representation it has been indented that there are protected species including hedgehogs and bats within 250m of the site. It is noted that the application is a retrospective application and as such the works have already been carried out. Nevertheless, the development would not have given rise to negative impacts upon protected species.

5.22 In accordance with guidance issued by the Welsh Government, each application for planning permission must now propose ecological mitigation and enhancement. No ecological enhancements have been submitted with the application, therefore a condition has been suggested.

5.23 Other Matters

Any disputes regarding the boundary/party wall are not material planning considerations. This is a civil matter which would be dealt with outside the remit of this application under the the Party Wall etc. Act 1996. An informative has been applied to this permission informing the applicant of their duty under this Act. Matters regarding materials and rubbish left in the neighbouring garden and the impact on the value of neighboring properties are not material planning considerations.

- 5.24 It is noted that objections have been raised regarding the parking of cars in the garage and the potential health and safety risk/fire hazard posed to the neighbouring conservatory. Whilst these are not material planning considerations, although the development has a roller shutter door which gives the appearance of a garage, due to the dimensions, the building cannot facilitate the parking of vehicles.
- 5.25 It has been identified that there are discrepancies on the submitted plans in regards to the incorrect site address annotated on the originally submitted floor and elevation plans and the plans stating they are still to be checked. Given the site location plan is correct, and all other plans/the application form show the correct address, it is considered the submitted information is sufficient to accurately identify the correct site and proceed to a decision on the application. The 'checked by' is not a requirement for the Local Planning Authority.
- 5.26 Comments have also been raised stating the applicant has disregarded planning/building regulations by building the development without planning permission. Under planning legislation there is the opportunity to apply for planning permission retrospectively, which is what the applicant has applied for under the current application. It is important for Members to note that applicants should not be penalised simply because an application has been applied for retrospectively.
- 5.27 An objector has also commented that the applicant has extended their rear garden into council owned land without purchasing the land. The extension of the garden would constitute a change of use of the land which would require planning permission, however this is a separate enforcement matter to be investigated outside the remit of this application. This application is only for the retention of the garage/garden room which is located within the original curtilage of the dwelling.
- 5.28 Comments have been received stating that over 50% of the original application site has now been developed with extensions/outbuildings. The 50% figure relates to developments that can be undertaken under permitted development rights. As the applicant has applied for permission for the garage/garden room it is not applicable. Nonetheless, as outlined previously in the report, it is considered that the property has not been overdeveloped, and sufficient outdoor amenity space remains for the occupiers of the property.
- 5.29 In response to the query regarding the planning laws surrounding boundary wall height and the height of the development, I believe these comments are relating to works that can be undertaken under permitted development rights, i.e. without the requirement of planning permission. There is no legislation that

prescribes the maximum height etc. for development where planning permission has been applied for. Each development is determined on a case by case basis dependent on site circumstances.

- 5.30 The comment regarding the interference with satellite TV reception is not a material planning consideration to be considered under this application.
- 5.31 Compliance with Building Regulations is dealt with under separate legislation and a separate regime to the current planning application.
- 5.32 It is also noted comments have been raised alleging the applicant works for planning. Whilst I do not know the occupation of the applicant, I can confirm that they do not work for Blaenau Gwent Council Planning Department.

5.33 Conclusion

On balance, having carefully considered the issues above and having regard to the fall-back position of the developments that could be undertaken under permitted development rights, I am satisfied that the retention of the garage/garden room will not have an unacceptable impact upon the neighbouring amenity or wider street scene and is acceptable subject to conditions in accordance with LDP Policies DM1, DM2.

6.0 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.

7.0 Conclusion and Recommendation

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

1. Within 3 months of the date of this decision the development shall be completed in full accordance with the following approved plans and documents:

- Site Location Plan – recorded received 29th March 2023;
- Site Plan, – Drawing No. Issue 1, recorded received 13th April 2023;
- Exterior door details, recorded received 17th March 2023;
- Roof Section Details, recorded received 3rd July 2023;
- Elevations and Plan View, recorded received 11th July 2023

Reason: To clearly define the scope of this permission.

2. Within 3 months of the date of this decision, all drainage/guttering as shown on the approved plans shall be implemented in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate drainage of the outbuilding.

3. Within 3 months of the date of this permission full details/samples shall be submitted to the Local Planning Authority of all external wall finishes to the development hereby approved. The development shall be completed in accordance with the approved details within 3 months of the date of such approval.

Reason: To safeguard visual amenity interests

4. Within 3 months of the date of this permission details of ecological enhancements (to include location, position and specification) to be provided as part of the development or within the wider curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall be installed within six months of the details being approved and shall be maintained as such thereafter.

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

5. 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. 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
2. 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
3. Some forms of building work could invoke proceedings under the Party Wall etc. Act 1996. If the applicant is uncertain of their position they are advised to seek appropriate professional advice on this matter.
4. The LPA has determined the planning application on the basis of the information contained in Certificate B in relation to land ownership which has been confirmed as being correct by the agent. This planning permission does NOT convey rights of access/encroachment over land that the applicant does not own. The applicant should ensure that any necessary consents are obtained prior to carrying out any works. Failure to comply with this advisory note could lead to civil action being brought against the developer by an aggrieved party.
5. In satisfying condition 3 above, the applicant is advised that if any third party refuses access onto their land to apply the finishing materials to the

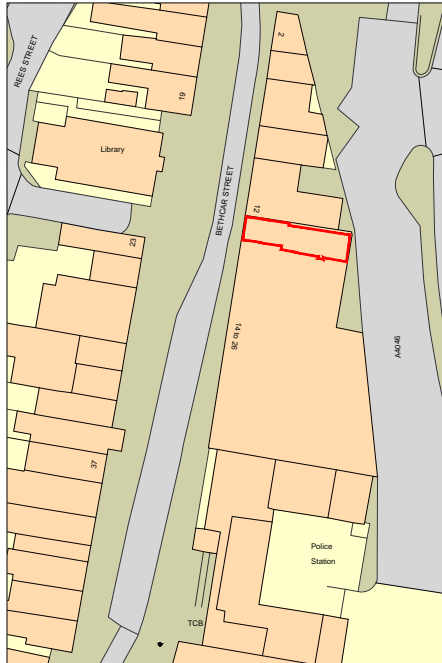
development, the applicant must contact the Local Authority to apply to remove/amend the wording of the condition.

8.0 Risk Implications

8.1 None.

Planning Report

Application No: C/2023/0103	App Type: Full
Applicant: Connells Group Mayfield House 256 Banbury Rd Summertown Oxford OX2 7DE	Agent: Carter Jonas Mr Jude Beckett Mayfield House 256 Banbury Rd Summertown Oxford United Kingdom OX2 7DE
Site Address: 14 BETHCAR STREET, EBBW VALE, NP23 6HQ	
Development: Change of use of from a shop (Use Class A1) to an estate agency (Use Class A2). The proposal does not involve any internal or external alterations to the premises.	
Case Officer:	Prospero



drawing address	location/details	date	scale
14 BETHCAR STREET EBBW VALE NP23 6HQ	SITE PLAN	05/05/23 17/05/23	1:2500 1:2500
		drawing no.	sheet
		PFB430-02	A4



1.0 Background, Development and Site Context

- 1.1 This application seeks planning permission to change the use of 14 Bethcar Street, Ebbw Vale from a retail unit (use class A1) to an estate agents (use class A2). No external alterations are proposed to the building.
- 1.2 The application site comprises a ground-floor commercial property with a floorspace of approximately 84sqm. The site is located within the Ebbw Vale Town Centre and Primary Retail Area. The property is currently vacant with the last use of the property being an A1 use, formerly known as 'Hays Travel Agents'. No internal alterations are proposed to the property.



Figure 1.1 Existing Property

1.3

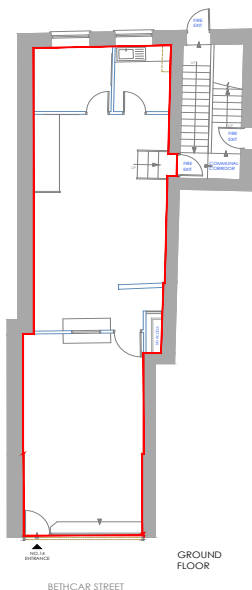


Figure 1.2 Proposed Floor Plan

- 1.4 This application is being presented to the Planning Committee as it is contrary to Policy DM5 of the adopted Local Development Plan (LDP). Criterion (a) of this policy restricts changes of use within the primary retail area of district town centres, such as Ebbw Vale, to A1 uses only. Furthermore, criterion (b) advises that proposals for A2, D1 and D2 uses will be encouraged outside the Primary Retail Area.

2.0 Site History

	Ref No	Details	Decision
2.1	C/2020/0162	Refurbishment of external elevations including renewal of street canopy, replacement windows at first floor level and new brick and metal cladding with new window openings to east elevation.	Approved
2.2	2002/0251	Internal fit to convert shop premises to create facilities for the general public by the community newspaper and enable it to carry on its commercial operations.	Approved
2.3	2002/0238	Sign to frontage	Approved

3.0 Consultation and Other Relevant Information

3.1 Internal BG Responses

Service Manager Infrastructure:

Highways: No objection

External Consultation Responses

Welsh Water: No objection

Public Consultation:

- 3 letters to nearby properties
- Site notice
- Website public register of applications
- Ward members by letter

- All members via weekly list of applications received

Response:

No responses were received.

4.0 Planning Policy

4.1 Team Manager Development Plans:

The change of use of this proposal to A2 would conflict with the requirements of policy DM5. The Blaenau Gwent Annual Monitoring Report (AMR) monitors the percentage of A1 uses in the primary retail areas. The 2021-22 AMR shows that the percentage of A1 uses in the Ebbw Vale primary retail area declined by 2% between 2009 and 2022. However, the primary retail area's vacancy rate in 2022 was lower (9%) than that of the district town centre as a whole (15%). The vacancy rates are not significant in Ebbw Vale and in fact the town centre is one of the best performing town centres when compared to other Blaenau Gwent towns.

4.2 The original response provided by the Planning Policy Manager notes that the 2022 annual town centre survey reveals that the property was operational as a travel agents in October 2022. Therefore the property is not a long standing vacant property. However, it is accepted that the 2022 survey is a year out of date and the officer stated that if the applicant could provide some marketing evidence to demonstrate that attempts have been made to market the property for A1 uses, this could be considered as a material planning consideration. This would be in line with the proposed approach recommended in the Blaenau Gwent Retail and Leisure Study 2021.

4.3 The agent subsequently provided marketing evidence which confirmed the property has been actively marketed since September 2022 (when the previous tenant, Hays Travel, served notice on the premises that they were to be vacating the property in November 2022) and that they have not had any committed interest for an A1 use.

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

4.5 LDP Policies:

SP3 – The Retail Hierarchy and Vitality and Viability of the Town Centre
SB1 – Settlement Boundaries
DM1 – New Development
DM2 – Design and Placemaking
DM5 – Principal and District Town Centre

SPGs:

Access, Car Parking and Design (March 2014)
Shopfronts and Advertisements (Adopted November 2015)

PPW & TANs:

Planning Policy Wales Edition 11 (February 2021)
Future Wales: The National Development Plan for Wales (February 2021)
Technical Advice Note 4: Retail and Commercial Development (November 2016)

5.0 Planning Assessment

- 5.1 The Blaenau Gwent Local Development Plan indicates that the site lies within the settlement boundary (Policy SB1) within which development is normally permitted subject to policies in the Plan and other material considerations. The property is located within the Town Centre boundary of Ebbw Vale (Policy SP3) and lies within the primary retail area (Policy DM5).
- 5.2 Future Wales – the National Plan 2040 was published on the 24th February, and therefore is relevant to this application as it now forms part of the Development Plan. The Welsh Government has adopted a ‘Town Centre First’ approach. Policy 6 Town Centre First states that significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. This puts the health and vibrancy of town centres as the starting point of locational decision-making. It also directs facilities and services to where intended users can easily walk, cycle and/or use public transport to access them. It is considered that the proposal is in accordance with Policy 6.
- 5.3 Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the Welsh Government’s objectives in respect of retail and commercial centres as hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities (paragraph 4.3.1). Whilst the objective recognises that a complementary mix of uses contributes to the vibrancy of those centres, the important role of retailing (A1 uses)

continues to be acknowledged with a recommendation to define primary shopping areas, where appropriate (paragraph 4.3.31). Primary shopping areas are designated to help promote and maintain an effective distribution and balance of uses and activities, and are typically characterised by a high proportion of A1 shopping uses (see paragraphs of Technical Advice Note 4: Retail and Commercial Development (November 2016)).

5.4 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.

5.5 The proposal has been assessed against policies SB1, SP3, DM1, DM2 and DM5 of the adopted Local Development Plan (LDP).

5.6 Proposed Change of Use

5.7 The application site is situated within the settlement boundary and also within the Ebbw Vale (District) Town Centre and Primary Retail Area. Policy DM5 'Principal and District Town Centre Management' criterion (a) restricts changes of use within the primary retail area of district town centres such as Ebbw Vale, to A1 uses only. Furthermore, criterion (b) advises that proposals for A2, D1 and D2 uses will be encouraged outside the Primary Retail Area.

5.8 The proposed change of use from A1 to A2 is therefore contrary to Policy DM5. However, it is considered that there are other material considerations which should be taken into account when determining this application.

5.9 PPW paragraph 4.3.36 states that *“planning authorities should assess retail and commercial centre performance and the effectiveness of development plan policies by monitoring their health. They should use the strategy in their development plan to manage change and take action where necessary to address this. Where economic decline is impacting on a retail and commercial centre, emphasis on retaining A1 uses in premises either in primary or secondary areas, which have been vacant for a period of time, may undermine a centre’s viability and vitality. In such circumstances, planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels.”*

5.10 The Blaenau Gwent Annual Monitoring Report (AMR) monitors the percentage of A1 uses in the primary retail areas. The 2021-22 AMR shows that the percentage of A1 uses in the Ebbw Vale primary retail area declined by 2%

between 2009 and 2022. However, the primary retail area's vacancy rate in 2022 was lower (9%) than that of the district town centre as a whole (15%). The vacancy rates are not significant in Ebbw Vale and in fact the town centre is one of the best performing town centres when compared to other Blaenau Gwent towns.

- 5.11 Whilst the property is not a long-standing vacant property (November 2022), it has been marketed since September 2022 with no committed interest as an A1 use. Therefore, with the 2022 survey being a year out of date and that marketing information has been provided to demonstrate that attempts have been made to market the property for A1 uses, this must be considered as a material planning consideration as recommended in the Blaenau Gwent Retail and Leisure Study 2021.
- 5.12 Whilst the proposal is not for an A1 use, Members should consider whether it would be more beneficial for the primary retail area to have units that are in use, rather than vacant. An estate agency is considered similar in nature to the previous use of a travel agents with opening hours during the day also being similar. The use is therefore considered to be an acceptable use class within the town centre location and will contribute to the vitality and viability of the town centre and primary retail area.
- 5.13 National policy provides an element of flexibility where premises have been vacant for a period of time and it is considered that town centres increasingly need to diversify their usage in order to maintain footfall. Accordingly, in land use terms whilst the change of use is contrary to Policy DM5, for the reasons outlined above there are material planning considerations to justify deviating from the Policy. It is not considered that this development would undermine the implementation of the Local Development Plan.
- 5.14 With no external alterations and the nature of the proposed use being considered very similar to the previous use, the proposal is not considered to negatively impact on the amenity of any neighboring or nearby properties'. The proposal is therefore considered to be in accordance with policies DM1 and DM2 of the LDP.
- 5.15 Policy 2 'Shaping Urban Growth and Regeneration – Strategic Placemaking' of the Future Wales – The National Plan 2040, states that 'to create activity throughout the day and enable people to walk and cycle, rather than being reliant on travelling by car, places should have a rich mix of residential, commercial and community uses within close proximity to each other'. There is no off street parking proposed, however, the site is within a sustainable

location within the town centre and there is a public car park located approximately 90 meters north-west of the application site. The Council's Highways Manager has been consulted on the application and confirmed no objection to the proposal.

- 5.16 In accordance with guidance issued by the Welsh Government, each application for planning permission must now propose ecological mitigation and enhancement. No ecological enhancements have been proposed under this application, therefore, they have been requested. If not received, a condition would be imposed requiring such details in accordance with the requirements of policy DM1 of the LDP, PPW 11 and the Environment (Wales) Act 2016.
- 5.17 In conclusion, the proposed change of use from a retail unit (A1) to an estate agents (A2) is considered acceptable in compliance with LDP Policies SB1, DM1 and DM2 and the adopted SPGs. I therefore, recommend approval accordingly.

6.0 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.

7.0 Conclusion and Recommendation

- 7.1 Planning permission be **GRANTED** subject to the following condition(s):
1. Standard Time Condition.
 2. Approved Plans List.
 3. Ecological Mitigation.

Informatives:

1. This permission does not allow for any new shopfront signage. The applicant is required to apply for signage under a separate Advertisement Consent application unless they can be installed under permitted development rights contained within The Town and Country Planning (Control of Advertisements) Regulations 1992.

8.0 Risk Implications

- 8.1 No risks identified.