

<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	<b>The Chair and Members of Planning, Regulatory and General Licensing</b>
<b>Report Subject</b>	<b>Planning Applications Report</b>
<b>Report Author</b>	<b>Team Manager Development Management</b>
<b>Report Date</b>	<b>18<sup>th</sup> December 2023</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>11<sup>th</sup> January 2024</b>

### **Report Information Summary**

<b>1. Purpose of Report</b>	
To present planning applications for consideration and determination by Members of the Planning Committee.	
<b>2. Scope of the Report</b>	
Application No.	Address
C/2023/0225	FORMER ABERTILLERY INDOOR BOWLS CLUB, VIVIAN STREET ABERTILLERY, NP13 2LB
C/2023/0232	LAND ADJACENT TO KFC, WAUN-Y-POUND ROAD, EBBW VALE, NP23 6LE
<b>3. Recommendation/s for Consideration</b>	
Please refer to individual reports	

## Planning Report

<b>Application No:</b> C/2023/0225	<b>App Type:</b> Full
<b>Applicant:</b> Miss Jodine Bishop Melin Homes Ty'r Efail Lower Mill Field Pontypool NP4 0XJ	<b>Agent:</b> Asbri Planning Miss Bethan Evans Unit 9, Oak Tree Court Mulberry Drive Cardiff Gate Business Park, Cardiff CF23 8RS
<b>Site Address:</b> FORMER ABERTILLERY INDOOR BOWLS CLUB, VIVIAN STREET ABERTILLERY, NP13 2LB	
<b>Development:</b> Residential development, including the erection of 22no. homes, access, engineering and associated works	
<b>Case Officer:</b>	Steph Hopkins

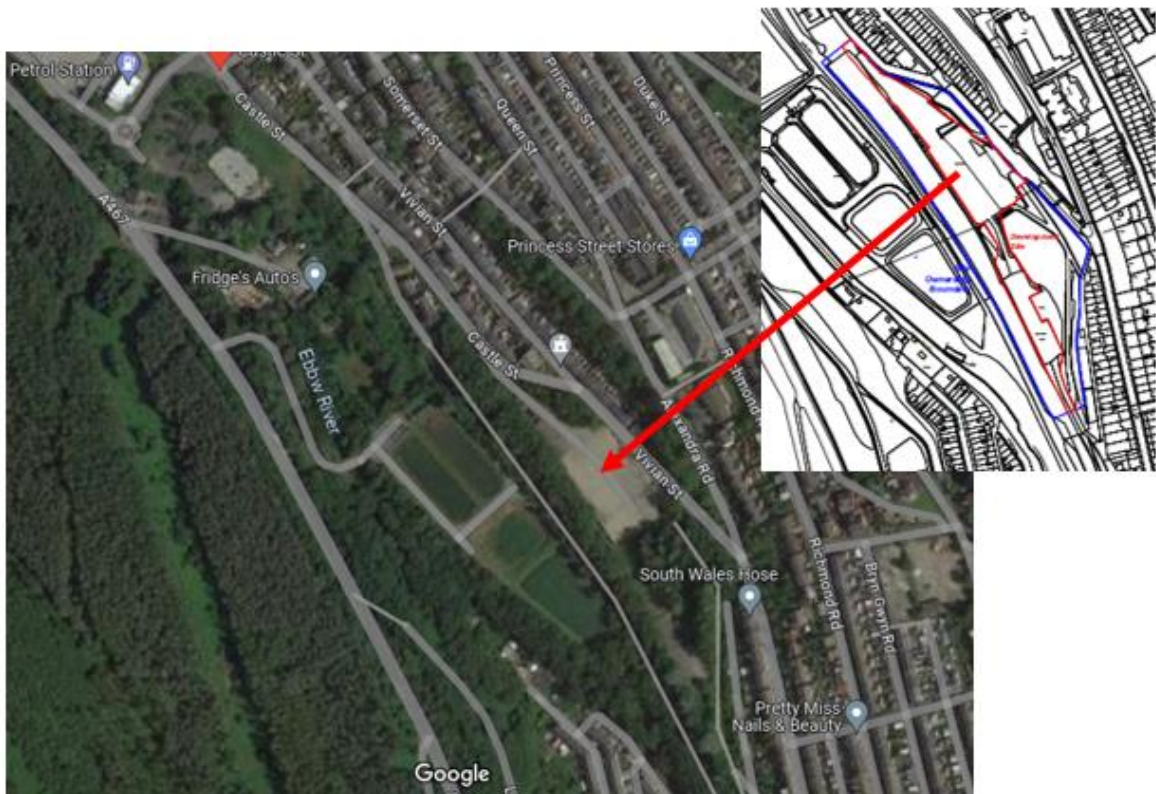


Image: Google

]Figure 1 Application Site

## 1.0 Background, Development and Site Context

- 1.1 The application site and background<sup>1</sup>

The site is located adjacent to Vivian Street, Abertillery, Blaenau Gwent. The site extends to approximately 2ha; albeit only 0.75ha acres of land has been identified as 'developable' due to prevailing site levels and the presence of existing green infrastructure, significant parts of which the application has sought to retain.
- 1.2 Vivian Street sits in an elevated position in relation to the application site due to the topography of the area which rises significantly from the west to the east (towards Vivian Street). The application site is irregular in shape and comprises largely of hard standing areas following the demolition of the former Abertillery Bowls Hall approximately 6 years ago. Part of the northern area of the application site which is currently not fenced is used by local residents for car parking. There is also a retaining wall to the west of the site which supports the existing road within the site.
- 1.3 The site is adjoined by residential dwellings to the north and east; albeit intercepted by Castle Street and Vivian Street. Directly opposite the site to the east is a raised level playground and vegetated embankment. Immediately to the west is an area of woodland, beyond which is a footpath, connecting Lower Castle Street to Aberbeeg. Beyond the footpath, between the site and Aberbeeg Road and water apparatus in the form of large ponds. The southern end of the site links to Alexandra Road, via an existing rear lane.
- 1.4 The site benefits from three access points. The first is located via an existing access at the northern boundary, off Castle Street. The second from Vivian Street, to the east, and the third via Alexandra Road to the south. There are no Public Rights of Way (PRoW) identified within the site however, there is an existing walking and cycling active travel route to the west of the site (AB1 Abertillery to Llanhilleth).
- 1.5 The site as viewed from Vivian Street is shown in Figure 2 below:

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<sup>1</sup> Large parts of the information contained within the site description and development proposal are taken directly from the Planning Statement submitted by Asbri as it provides an accurate description in both respects.

1.6



Figure 2

1.7 The site is not located within a Conservation Area. Whilst there are no Listed Buildings situated within the immediate vicinity of the site, the Grade II Abertillery War Memorial is located approximately 120m north of the site on Somerset Street.

1.8 The site is circa 400m from Abertillery Town Centre Boundary and circa 600m from the Primary Retail Centre. There are also bus stops within walking distance of the site. The site is accessible to pedestrians, cyclists and public transport users. Abertillery Learning Community is located approximately 1km north of the application site, and a Tesco Supermarket located 550m north west. There are a number of large, public open spaces located in proximity to the site including Gelli Crug Park.

### 1.9 Proposed Development



Figure 3



1.10 The planning application seeks full planning permission for the development of 22 no. affordable homes, access, engineering and associated works. The proposed site layout plan is shown above in Figure 3.

1.11 The schedule of accommodation on the proposed layout plan constitutes the following mix:

Property types	Quantity
1 Bed 2 person flat	14
2 Bed 3 person flat	4
2 Bed 4-person house	3
2 Bed 3-person bungalow	1
<b>Total</b>	<b>22</b>

Figure 4

1.12 The site is currently accessed from Castle Street (shown in Figure 5 below). It is proposed to utilise this existing access to serve the proposed development via a two-way system and widen the road at the entrance of the site to ensure adequate refuse vehicle turning and to allow movement in and out of the site for larger vehicles.



Figure 5

- 1.13 Two stepped pedestrian routes are proposed northeast of the site to provide a direct connection from the development to Vivian Street. A pedestrian footpath is also proposed beneath the SUDS belt and another footpath proposed within the site providing access to a public footpath outside of the site boundary.
- 1.14 The site will require some cut and fill works and retaining walls to facilitate the development. The existing retaining walls within the site will also be retained and/or altered as necessary to support the road and cut works.
- 1.15 When approaching the site from Castle Street, the first property located on site is the detached bungalow, then a pair of semi-detached 2 bed houses, and another detached 2 bed house. All of these properties would have their own parking provision to the side of the dwellings. These properties, except for the bungalow, would be two storeys in height.
- 1.16 The 8no. 1 bed flats and 8no. 2 bed flats make up a large apartment building, situated to the southeast of the aforementioned properties. Within this apartment building, parking would be provided at lower ground floor level with residential units on the ground and first. Given the topography of the site, the apartment building would appear three storey from its front (west) elevation, but when viewed from Vivian Street (east elevation), the building would appear two storey in scale, with the parking area out of sight.
- 1.17 Below are digital artist impressions of how the development would look:



Figure 6



1.18



Figure 7

1.19



Figure 8



1.20



Figure 9

- 1.21 The proposal comprises a mixed roof line including both up and over with some gables to alleviate some of the massing of the building and to offer vertical relief. Solar panels are proposed on its southwest facing roof panes. The proposed dwellings are contemporary in nature and finishing materials proposed are a mixture of buff brick and reconstituted dark grey slate hanging tiles (to the feature bay windows). On the apartment building, window and door openings are proposed to be dark grey upvc, as will fascia's, soffits and bargeboards with black rainwater goods. Juliet balconies and full-length glazing will feature to the front and rear elevations of the flats. Decorative security fencing is proposed to the lower ground floor front elevation of the flats, where parking provision is located. Additional features include stack bonded band course and expressed columns. With regards to the 3no. houses and detached bungalow, window openings will be of black upvc, as will fascia's, soffits, bargeboards and rainwater goods. Porch canopies are proposed over house entrance doors and full-length glazing will feature. Roofs will be of grey reconstituted slate.
- 1.22 A total of 30 parking spaces will be provided to serve the development; the three houses and bungalow are each provided with two spaces with a total of 22no. spaces to serve the apartment building (18no at ground floor level of the apartment building a 4no. external spaces provided to the front of the building). 10 no. visitor spaces will also be provided, 3 at the rear of the development site and 7no. near the site at the entrance.
- 1.23 The dwellings have private garden space, whilst the apartments will have access to shared amenity space and public open space which is proposed around the dwellings within the site boundary.



- 1.24 The submitted layout looks to retain existing green infrastructure and concentrates development on existing hard standing areas. The existing surrounding tree belt is to remain, as is the existing areas of woodland and trees within and surrounding the site. These areas of vegetation and green infrastructure will provide amenity and leisure area for residents. Access to the existing woodland path is to remain for sustainable pedestrian access into and out of the site. Other features include a piazza square that leads to a public path within the site.
- 1.25 The green infrastructure will be complemented by the planting of a mixture of native trees, hedges, wetland planting, pollinating shrubs, grassed and wildflower areas have been included to provide a landscape framework for the site and support ecology within the site and surrounding area. Hard landscaping is also proposed which has been designed in an attempt to ensure a unified and coherent form of development.
- 1.26 Boundary treatments vary throughout the site depending on the character area and the nature of the land parcels being separated. In broad principles, close boarded timber fence and gates are proposed between rear boundaries and to define separation between the rear of each residential entity. A 1.8m high brick faced boundary wall and piers is proposed between the side boundary of the bungalow and the visitors parking, to form 'private mews' entrance to the main site. The retaining wall which supports the existing road which is to be extended will be finished in smooth concrete to match existing.
- 1.27 Refuse storage and drying facilities are proposed to serve each dwelling and communal facilities for the flats.
- 1.28 In addition to the detailed plans showing the layout and house types the applicant has submitted supplementary information which includes a Design and Access Statement (DAS), Pre-application Consultation Report (PAC), Preliminary Ecological Assessment, Landscaping Proposals, Green Infrastructure Statement, Arboricultural Report, Drainage Strategy, Engineering Drawings, Transport Statement, Geo-Environmental & Geotechnical Assessment and a Mine Gas Risk Assessment Report.
- 1.29 The applicant requested pre-application advice for residential development prior to the submission of this application. The advice provided was positive subject to minor design changes and the submission of required specialist reports.
- 1.30 This application is being presented to Planning Committee in line with the current Scheme of Delegation as it falls within the major category of

development which is more than 10 dwellings and is likely to be of wider public interest.

## 2.0 Site History

	Ref No	Details	Decision
2.1	C/2016/0068	Prior notification of proposed demolition	Prior Approval not required 29.03.2016
2.2	PA/2022/0288	Pre-application advice for residential development of 20 No. affordable dwellings	Acceptable in principle subject to material planning consideration. Response provided 10.03.2023

## 3.0 Consultation and Other Relevant Information

### 3.1 Internal BG Responses

3.2 Team Leader Building Control:  
Building regulations required.

### 3.3 Service Manager Infrastructure:

Highways: The submitted application complies with Policy DM 1 (3 a, b, c, d & e).

- Conditions required to ensure cycle and off-street parking spaces are provided prior to occupation of dwellings and retained thereafter.
- Proposed junction upgrade works to facilitate access to the development from Castle Street are acceptable.
- The proposed access road and footway design for the development is acceptable.
- The proposed new active travel shared footpath linking the development site to the wider Active Travel network is to be fully constructed prior to occupation of any dwellings. This footpath link must be lit and constructed in accordance with the highway authority/ Active Travel design standards and subject to adoption.
- At the junction with Castle Street a new informal pedestrian crossing point is to be incorporated providing a link to existing footways on Castle Street, this can be a planning condition with details to be submitted for approval.

3.4 Drainage: No objection in principle, SAB approval will be required.



- 3.5 Ground Stability: The Geotechnical & Geoenvironmental report states that there is a low risk of ground instability associated with shallow mine workings and mine adits. The report identifies the Vivian Shaft on site and recommends an exclusion zone of development (i.e. no development to take place with the shaft's zone of influence). The developer should adhere to the recommendations made in this report.
- 3.6 The report recommends a ground and mine gas assessment be carried out, the results of which are made available in the Mine Gas Risk Assessment Report (Terrafirma (Wales) 2023). The report concludes that the risk of gas migrating to the proposed development is negligible but should the foundation design be changed the gas risk assessment must be updated accordingly. It may be that as a precaution, the developer considers a gas protective membrane as part of the foundation design.
- 3.7 With regard to foundation solution, the report recommends either a reinforced raft or piled solution, depending on the structural integrity of an existing retaining wall on site. The report recommends that a structural survey of the wall be undertaken to inform whether the proposed structures do not impact on the integrity of the wall. If the wall cannot withstand the proposed loads, then a piled solution is recommended according to the report. The wall survey and foundation design must be undertaken by a suitably qualified and experienced person/company.
- 3.8 Landscape: The comprehensive landscaping design satisfies the requirement of Blaenau Gwent Local Development Plan (LDP) Policies DM1 & DM2. The proposal provides net biodiversity and landscape gains whilst maintaining and enhancing the green infrastructure and habitat connectivity of the site to the wider landscape. Landscape proposals provide adequate mitigation for any loss of tree canopy cover.
- 3.9 Ecology: A Preliminary Ecological Assessment (PEA) has been submitted which is acceptable. The officer agrees with the mitigation and recommendations outlined within the report. The soft landscaping plans clearly demonstrate how the proposed development is going to secure further biodiversity enhancements which will provide net biodiversity gains. It also maintains and enhances the green infrastructure and habitat connectivity of the site to the wider landscape. The location of the bat and bird boxes are acceptable. Provided the mitigation and recommendations outlined within the report are successfully implemented there should be no long term negative impacts to key protected species and net biodiversity will be secured.

- 3.10 Rights of Way: No response.
- 3.11 Service Manager Public Protection: The proposed development site was recently used as a leisure centre/ bowls club. Historically there was a brick works on the site. The geotechnical and geo environmental report confirmed the presence of elevated contaminants in the ground. The report also makes recommendations including remediation options. The submitted remediation strategy is acceptable, however a validation report is required prior to occupation of dwellings.
- 3.12 There is also a letter dated 25<sup>th</sup> September from Terra Firma to Natural Resources Wales (NRW) responding to concerns raised by NRW relating to the pollution of controlled waters at the site.
- 3.13 No objection raised to the proposed development in relation to contamination, but the use of the standard unforeseen land contamination condition is advised in this instance. Confirmation should also be sought from NRW that they are satisfied with the response from Terra Firma on the controlled waters matters.
- 3.14 A condition be attached to any permission granted, requiring submission of a construction and environmental management plan (detailing means of noise and dust mitigation) prior to commencement of the development.
- 3.15 Provisions should be made for the charging of electric vehicles at the properties.
- 3.16 Head of Estates and Strategic Asset Management: No objection, sale of land pending with Estates.
- 3.17 Housing: BGCBC Housing Delivery Group are fully supporting the residential development in Abertillery. It will bring much needed social housing to the lower end of the valley and as such Welsh Government Social Housing Grant has been allocated to the scheme.
- 3.18 Education: No education contribution is required.
- 3.19 Leisure: Request a contribution of £39,920 which would be utilised to improve play facilities along with recreational & sporting infrastructure at Six Bells Park which is in the vicinity of the development site.
- 3.20 **External Consultation Responses**
- 3.21 Town / Community Council: No response received.



- 3.22 Natural Resources Wales: Raise concerns with the application as submitted in respect of land contamination and the presence of a tank on site. However, having had regard to the information submitted with the application they are satisfied that these concerns can be overcome by attaching suggested conditions regarding unforeseen contamination.
- 3.23 Dwr Cymru Welsh Water (DCWW): Foul flows can be accommodated within the public sewerage system. The proposed development site is crossed by combined public sewers, however the 'Proposed Site Layout' (Drawing No. LT2218.04.01), indicates that the proposed development would be situated outside the protection zone of the public sewers, measured 3 metres either side of the centreline.
- 3.24 Capacity is currently available in the water supply system to accommodate the development.
- 3.25 With regards to surface water drainage, the submitted 'Drainage Strategy' indicates proposals to communicate flows to the "existing combined sewer at nearest point plan inset". There is currently no agreement to communicate such flows to the combined public sewer. DCWW would object to any forthcoming SAB application consultation and request that the submitted 'Drainage Strategy' does not form part of any approved drawings within planning permission.
- 3.26 Advisory Notes notes suggested regarding SAB approval and water connections.
- 3.27 National Grid: Note position of apparatus.
- 3.28 Wales & West: Note position of apparatus.
- 3.29 Coal Authority: The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
- 3.30 The Coal Authority records indicate the presence of 2 recorded mine entries (shaft and adit) within, or within close proximity of the planning boundary. An untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety. The Coal Authority notes the submitted Geotechnical and Geoenvironmental Report (September 2022,

prepared by Terra Firma Ltd), which accompanies the planning application and which has been informed by appropriate geological and mining information.

3.31 In terms of the proposed layout, the Coal Authority welcomes the built development layout, which has been designed around the recorded mine entry, which, whilst not annotated on the submitted layout, the Report confirms is able to accommodate infrastructure within its exclusion, specifically owing to its infilling. On the basis that the Report goes on to confirm that the remaining adit is not located within the site and poses no undue risk and that shallow coalmine workings also do not pose any risk to ground stability, accordingly, the Coal Authority has no objections to this planning application.

3.32 Gwent Police: No response received.

3.33 **Public Consultation:**

- Circa 60 letters to nearby houses
- 4 site notice(s)
- press notice
- website public register of applications
- ward members by letter
- all members via weekly list of applications received.
- ~~other~~

3.34 Response:

One email of objection has been received. The objections can be summarised as follows:

- The area in question is the only source of parking for many in the surrounding streets. Removal of this area will increase congestion on and already busy road namely Castle street.
- The road is not equipped to handle large heavy goods vehicles that will be used in the delivery of materials to construct the site. There is currently a 7.5 tonne limit on the street.
- The increase of traffic on Castle Street will turn Vivian street into a “rat run” for people attempting to avoid Castle Street.
- There is no evidence that consideration has been made to the level of disruption that current residents will encounter with regard to increased traffic noise, construction and muck from the site.
- The access lane to the site will not accommodate large vehicles but I can find no evidence of alternative access to the site.
- From the initial plans that were viewed the residents on this site will ingress and egress from the current site entrance onto Castle Street.



This will not allow traffic to pass and therefore create a backlog of traffic along Castle Street.

- There are a number of springs that flow through the site no mention is made of where this water will be redirected and potential for flooding to properties further down the valley due to disruption of the natural water course. There is no report from NRW that this had been investigated in the plans.
- There are 3 pathways that cross the site providing access to the former skate park and cycle path below. How will these be maintained?
- The impact on current residents due to the increase in residences and associated traffic in this area has not been considered.
- The nature of the residences and the possible occupants is a concern. The area would not be ideal for anyone with a mobility issue as there are significant hills surrounding the site.
- What assurances will be given to the current residents that any anti social behaviour will be addressed?

## 4.0 Planning Policy

### 4.1 Team Manager Development Plans:

The site is located within the settlement boundary and no specific policy designations apply to the site under the Adopted Local Development Plan (LDP). The principle of residential development here is therefore acceptable. The former Abertillery Bowls site has been promoted as a candidate site for the Replacement LDP (RDLP) (candidate site LEF013) and lies within the RLDP strategy area where growth needs would be met. If approved this site would contribute towards meeting the local housing and growth needs identified for the Lower Ebbw Fach valley. It would also contribute towards meeting growth needs in a sustainable location and through the regeneration of previously developed land thereby addressing RLDP objectives.

4.2 In relation to the efficient use of land and numbers of dwellings proposed, the developable area identified measures 0.75ha and the proposal would equate to a housing density of 29 dwellings per hectare. This is lower than the indicative residential densities referenced the Adopted LDP and PPW. The applicants planning statement advises this is due to the inherent constraints including its steep topography. Given these constraints Planning Policy is of the view that the proposed density is appropriate for the site and scheme proposed.

4.3 In relation to flooding it is noted the site lies within DAM zone A and that the site is not within an area of flood risk (for Rivers and Sea) as indicated in the new Flood Map for Planning. While a small area to the north west of the site is

identified as being within Flood zone 2 and partially within zone 3 for surface water and small watercourses (due to the steep topography of the site) SUDS measures and green infrastructure improvements are proposed to mitigate this.

- 4.4 The site adjoins Scheme 9 of policy T1 Cycle Routes (Extension of Ebbw Fach Trail from Abertillery to Aberbeeg) located to the east of the site and running along the valley. It is noted the proposal integrates well with existing footpaths and would link back to the proposed public Piazza Square to the south of the site.
- 4.5 Given the nature and scale of the proposal the need for planning obligation should be considered in line with Policy DM3 (Infrastructure Provision). As the scheme is for 100% affordable housing it would surpass the minimum policy requirements of Policy DM7 (Affordable Housing).
- 4.6 LDP Policies:  
SP2 Southern Strategy Area  
SP4 Delivering Quality Housing  
SP5 Spatial Distribution of Housing  
SP7 Climate Change  
SP10 Protection and Enhancement of the Natural Environment  
DM1 New Development  
DM2 Design and Placemaking  
DM6 Affordable Housing  
DM14 Biodiversity Protection and Enhancement  
DM15 Protection and Enhancement of the Green Infrastructure  
DM16 Trees, Woodlands and Hedgerow Protection  
SB1 Settlement Boundaries
- 4.7 Supplementary Planning Guidance  
Access, Car Parking and Design (March 2014)  
Interim Planning Obligations SPG (2012)
- 4.8 PPW & TANs:  
Planning Policy Wales Edition 11 (February 2021)  
Future Wales The National Plan 2040
- 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

Future Wales - the National Plan 2040 was published on the 24th February 2021, and now forms part of the Development Plan. The specific purpose of Future Wales is to support the delivery of Welsh Government strategic aims and policies.

5.2 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 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 The Blaenau Gwent LDP indicates that the site lies within the settlement boundary within which development is normally permitted subject to other policies within the plan and material considerations (Policy SB1). The site is considered a brownfield, previously developed parcel; the development of which is strongly supported by planning policy at all levels.

5.5 The former Abertillery Bowls site has been promoted as a candidate site for the Replacement LDP (RDLP) (candidate site LEF013) and lies within the RLDP strategy area where growth needs would be met. If approved this site would contribute towards meeting the local housing and growth needs identified for the Lower Ebbw Fach valley. It would also contribute towards meeting growth needs in a sustainable location and through the regeneration of previously developed land thereby addressing RLDP objectives.

5.6 In terms of compatibility the site is located within a predominantly residential area, as such I am satisfied that a residential use on the site is compatible with the surrounding proposed uses. Accordingly, the principle of development is considered to be in accordance with National and local planning policy.

- 5.7 Policy SP4 of Blaenau Gwent LDP provides a framework for the delivery of 3,907 new dwellings in Blaenau Gwent over the plan period. The LDP seeks to deliver a mix of dwelling types, sizes and tenure, including at least 335 affordable dwellings in order to meet the need of Blaenau Gwent's current and future population.
- 5.8 The proposed development comprises of a mix of 1, and 2 bedroom properties. Policy SP5 states that in order to create a network of sustainable linked hubs provision for 228 new dwellings will be located in Lower Ebbw Fach. This proposal complies with both SP4 and SP5 and would be welcomed in contributing to housing delivery in Blaenau Gwent.
- 5.9 The principal of residential development is therefore considered to accord with adopted strategic policies and housing need, subject to meeting criteria outlined within relevant LDP policies, national planning policy and other material planning considerations set out below.
- 5.10 Layout, scale and appearance  
Layout: The developable area of land identified measures 0.75ha and the proposal would equate to a housing density of 29 dwellings per hectare. This is lower than the indicative residential densities referenced in the Adopted LDP and PPW. The applicant's planning statement advises this is due to the inherent constraints including its steep topography. In my opinion, taking regard to the constraints of the site, the number of properties proposed is considered to represent an efficient use of the land which achieves the aims of Placemaking and will provide much needed affordable housing within the area.
- 5.11 The levels of the proposed roads and dwellings have been designed to follow the topography of the site, albeit some cut/fill and retaining walls will be necessary (full details of retaining structures will be required). In terms of layout there is one point of vehicular access into the site off Castle Street with pedestrian footways linking through the site. The dwellings are designed so that they face outwards toward the site access road to ensure attractive views from within the streetscape. The rear of the main building will also be visible from outside the site from Vivian Street, however the rear elevation has been designed in such a way that it will interact well with the existing streetscape. A good level of landscaping is also proposed at the Vivian Street interface to soften the built form of the proposed development and minimise its visual impact upon the street scene.



- 5.12 The scheme provides for adequate garden/amenity space and dedicated parking provision for all the proposed units (the flats have shared garden space around the building with active links to wider public amenity space).
- 5.13 The parking provision has been split between side parking with green spaces punctuating areas of frontage parking (visitor spaces and some spaces for the flats) so as not to dominate the frontage of the dwellings with hard landscaping.
- 5.14 In my opinion there are sufficient separation distances between proposed and nearby existing dwellings. There has been careful design of window positions (which are obscured where necessary) and boundary treatments to ensure there is no unacceptable impact from overlooking, loss of light or the development appearing overbearing.
- 5.15 Notable Green Infrastructure is proposed on site, which will be for use by the future occupiers of the dwellings and the wider community. The layout seeks to integrate prospective residents with surrounding land uses, both existing and proposed, and implements footpath links within the site which also connect to the wider surrounding vicinity, ensuring a well-connected form of development, in the interests of good placemaking.
- 5.16 With regards to Secured by Design, the Planning Statement sets out that, *'Secured by Design principles have been implemented to reduce opportunities for crime and to create neighbourhoods where people can feel safe. This has been achieved by making a clear distinction is achieved between private and public areas through use of a variation of highway widths and materials, landscaping and boundary treatments. 1.8m high fences form the boundary of rear gardens (with reference to the houses/bungalow) to ensure greater security for residents. The communal parking area situated on the lower ground floor of the site would be gated and timber framed sheds in the rear gardens of houses/bungalow would provide a safe storage space for cycles by means of a permanent lock. Public areas are overlooked with properties orientated appropriately. Footpaths are overlooked by adjacent properties, thus ensuring that public spaces have surveillance and people are made to feel safe.'* I agree with this view.
- 5.17 Scale: In terms of scale, there is a range within in the site, from bungalow, two storey and three storey building (2 storey as viewed from Vivian Street). The ridge heights would climb evenly from north to south and whilst the mass of the buildings all differ, in my opinion they have been designed to complement each other. This development would be viewed as a standalone development and in my opinion is of an appropriate scale within the confines of the site.

- 5.18 Appearance:  
A simple but high-quality palette of materials has been proposed with a range of designs between the various dwelling types. In my opinion this allows the design to be both visually interesting and distinct enough to offer visual appeal.
- 5.19 The proposed solar panels will contribute to the provision of renewable energy for the properties and are not considered to have a detrimental visual impact on the wider area.
- 5.20 Boundaries and retaining walls which are highly visible within the public realm will be constructed in brick and metal bow top railings to create a more attractive street scene. Timber fencing is only being used to enclose rear gardens and this is welcomed. Frontages of the site are very open which creates an attractive street scene. To ensure that no unacceptable development occurs from future residents exercising Permitted Development Rights it is my intention to impose a condition removing these rights for any gates, walls and fences.
- 5.21 Overall, I consider that the layout, scale and appearance of the proposed development complies with Policy DM1(2a, b, and c) and DM2 of the LDP which seeks to ensure that new development proposals enhance and respect their surroundings and contribute to local identity.
- 5.22 Access  
The site is currently accessed from Castle Street. It is proposed to utilise this existing access to serve the proposed development via a two-way system and widen the road at the entrance of the site to ensure adequate refuse vehicle turning and to allow movement in and out of the site for larger vehicles. Two stepped pedestrian routes are proposed northeast of the site to provide a direct connection from the development to Vivian Street. A pedestrian footpath is also proposed beneath the SUDS belt and another footpath proposed within the site providing access to a public footpath outside of the site boundary.
- 5.23 Policy SP9 of the LDP - Active and Healthy Communities is relevant to this application in terms of the proximity of a Cycle Route to the east of the site. The policy requires that to create active and healthy communities the Council will protect and enhance accessibility to natural greenspaces. It is noted the proposal integrates well with existing footpaths and would link back to the proposed public Piazza Square to the south of the site. This is a welcomed feature.

- 5.24 A number of highway concerns were raised by an objector which I will address below (my response is in italics):
- 5.25 - **The area in question is the only source of parking for many in the surrounding streets. Removal of this area will increase congestion on and already busy road namely Castle street.**  
*The proposed scheme is providing visitor parking at the request of the highway authority which will be unrestricted and can be used by existing residents.*
- 5.26 - **The road is not equipped to handle large heavy goods vehicles that will be used in the delivery of materials to construct the site. There is currently a 7.5 tonne limit on the street.**  
*The existing 7.5T limit is an environmental weight limit and not as a result of any weak structures. Any HGV deliveries will be subject to an approved Construction Environment Management Plan (CEMP) with access routes to be agreed, this would be conditioned.*
- 5.27 - **The increase of traffic on Castle street will turn Vivian street into a “rat run” for people attempting to avoid Castle Street.**  
*This is subjective and the opinion of the objector, there is no evidence to suggest this will happen.*
- 5.28 - **There is no evidence that consideration has been made to the level of disruption that current residents will encounter with regard to increased traffic noise, construction and muck from the site.**  
*This can be addressed by seeking the submission of a CEMP.*
- 5.29 - **The access lane to the site will not accommodate large vehicles**  
*The existing access to the site is proposed to be upgraded – as indicated on the drawings and described in my report.*
- 5.30 - **From the initial plans viewed, the residents on this site will ingress and egress from the current site entrance onto Castle Street. This will not allow traffic to pass and therefore create a backlog of traffic along Castle Street.**  
*The access junction has been designed for two- way traffic and will be wide enough for traffic to both enter/exit without requiring vehicles to wait.*
- 5.31 - **There are 3 pathways that cross the site providing access to the former skate park and cycle path below. How will these be maintained?**

*The layout of paths through the site is clearly indicated on the submitted drawings.*

- 5.32 - **The impact on current residents due to the increase in residences and associated traffic in this area has not been considered.**  
*The highway authority has considered the proposed additional traffic movements on the public highway network and determined that the additional traffic movements can be safely accommodated.*
- 5.33 - **The nature of the residences and the possible occupants is a concern. The area would not be ideal for anyone with a mobility issue as there are significant hills surrounding the site.**  
The development has been designed in accordance with highway authority design standards. The existing topography of surrounding streets is outside the scope of this application.
- 5.34 The Highway Authority has been made aware of the objections raised above and has not raised any concern in respect of additional traffic movements associated with the proposed development, subject to the proposed conditions, and informatives set out in the Consultation Section of this report.
- 5.35 I am satisfied that subject to conditions the highway network is capable of serving the development and satisfactory access can be provided for both pedestrians and vehicles and is compliant with Policy DM1(3).
- 5.36 Landscaping, trees and ecology  
A detailed landscaping scheme has been submitted with the application, which is supplemented by a Tree Survey, Ecological Assessment and Green Infrastructure Statement.
- 5.37 The Landscape Officer has confirmed that the comprehensive landscaping design satisfies the requirement of DM1 & DM2 and provides net biodiversity and landscape gains whilst maintaining and enhancing the green infrastructure and habitat connectivity of the site to the wider landscape. Landscape proposals provide adequate mitigation for any loss of tree canopy cover. I share this view and agree that the landscaping scheme adequately mitigates and softens the impact of built development.
- 5.38 Welsh Government requires new development to provide not only ecological mitigation but also enhancement. The Council's Ecologist confirmed that the Ecological Assessment was considered sufficient to inform the required mitigation for the site. The Council's Ecologist notes that the soft landscaping plans clearly demonstrate how the proposed development is going to secure



further biodiversity enhancements which will provide net biodiversity gains. It also maintains and enhances the green infrastructure and habitat connectivity of the site to the wider landscape. The location of the bat and bird boxes are acceptable. Provided the mitigation and recommendations outlined within the report are successfully implemented there should be no long-term negative impacts to key protected species and net biodiversity will be secured.

- 5.39 As such the application, subject to conditions, is considered compliant with the requirements of policies in the LDP and national policy.
- 5.40 Land stability  
The application site falls within the defined Development High Risk Area; this means that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
- 5.41 The Service Manager Infrastructure has raised no objections to the development subject to the recommendations included in the geotechnical site investigation being adhered to. This will establish the prevailing ground conditions and any necessary remediation works. I note the comment regarding appropriate foundations for the dwellings, this matter will be addressed by Building Regulations.
- 5.42 The Coal Authority records indicate the presence of 2 recorded mine entries (shaft and adit) within, or within close proximity of the planning boundary. An untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.
- 5.43 In terms of the proposed layout, the Coal Authority welcomes the built development layout, which has been designed around the recorded mine entry, which, whilst not annotated on the submitted layout, the Report confirms is able to accommodate infrastructure within its exclusion, specifically owing to its infilling. On the basis that the Report goes on to confirm that the remaining adit is not located within the site and poses no undue risk and that shallow coalmine workings also do not pose any risk to ground stability, accordingly, the Coal Authority has no objections to this planning application.
- 5.44 It is noted that existing and new retaining walls of varying lengths and height will be required to support this development. The plans show only indicative details at this stage, full details will be required by condition.

- 5.45 The imposition of a condition requiring compliance with the Geo-technical report and full structural details of any retaining walls will ensure that the proposal complies with policy DM1(2i).
- 5.46 Contaminated Land  
The Environmental Health Officer commented that investigations revealed contaminants in soil and that remediation works are required as outlined in the submitted Remediation Strategy. Both the Councils EHO and NRW are satisfied that the risk of contamination to waters can be protected by the imposition of a condition that would address any unforeseen contamination.
- 5.47 I am satisfied that necessary conditions can be imposed to ensure compliance with Policy DM1.2(j).
- 5.48 Drainage  
The submitted Planning Statement confirms that foul drainage will connect to the existing foul sewer network. Dwr Cymru Welsh Water (DCWW) has confirmed there is capacity in the network to accept domestic foul.
- 5.49 DCWW have confirmed that at present there is sufficient water capacity to serve the site.
- 5.50 Conditions and informatives to exercise control over connections to public sewers in respect of foul and surface will also be necessary.
- 5.51 DCWW have raised objections to the surface water drainage proposals indicated on the Drainage Strategy drawings, these would not form part of approved plans list. Since 7<sup>th</sup> January 2019 development proposals that have a hard surface area that exceeds 100m<sup>2</sup> require separate SAB approval to deal with surface water drainage. This development exceeds this threshold and accordingly requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'.
- 5.52 As part of the SAB application the developer also has a duty to provide betterment in terms of surface water run-off from the site in addition to biodiversity, ecology and amenity benefits.
- 5.53 SAB applications in this Borough are dealt with by Caerphilly CBC. However Welsh Water is a statutory consultee. I am satisfied that surface water drainage will be addressed through the SAB process.

- 5.54 An objection has been raised which states that: *there are a number of springs that flow through the site and no mention is made of where this water will be redirected and potential for flooding to properties further down the valley due to disruption of the natural water course. I could find no report from Natural resource Wales (NRW) that this had been investigated in the plans that I saw.*
- 5.55 As stated above surface water drainage will be addressed through the SAB process. No objection in this regard has been raised by NRW.
- 5.56 DM4 Low and Zero Carbon Energy  
The Council will encourage major development proposals to incorporate schemes which generate energy from renewable and low/zero carbon technologies. Policy DM4 defines major development proposals as 100 or more homes and / or provision of 1,000 sq m or over of floorspace. Paragraph 7.39 of the Plan requires energy statements to be prepared for all major development proposals to examine the potential for renewable energy generation and/or low /zero carbon technologies on-site and, where appropriate the sharing of renewable energy with the wider community.
- 5.57 Although this proposal is only for 22 no. dwellings, the floor space will exceed 1000sqm. Accordingly, an energy statement has been submitted with the application contained within the Planning Statement. The proposal includes solar photovoltaic panels on all roofs which is positive and acceptable. Building Regulations legislation will also seek to reduce carbon emissions through build design.
- 5.58 Noise/Dust/General Disturbance  
An objection has been made in respect of noise, dust and traffic disturbance. The construction phase of the development can be controlled through a condition requiring a Construction Environment Management Plan (CEMP). An approved CEMP will ensure that the day to day operation of the site can be controlled including hours of operation, dust and noise mitigation measures.
- 5.59 I do not consider that an additional 22no. residential properties in an existing residential area will give rise to a level of disturbance that could be considered unacceptable.
- 5.60 Planning Obligations  
The proposed development has generated the need for the two distinct planning obligations; the provision of affordable housing and financial contribution to leisure.

- 5.61 Policy DM7 seeks 10% affordable housing (subject to viability) on all sites that:
- Contain 10 or more dwellings; or
  - Exceeds 0.28ha in gross site area; or
  - Exceeds the thresholds in (a) or (b) above for adjacent sites.
- 5.62 This application proposes 100% affordable housing which exceeds the requirement. A suitably worded condition can ensure a minimum of 3 units are retained as affordable units in perpetuity and as such does not need to be secured by a S106 agreement.
- 5.63 Leisure:  
Where there is quantitative deficiency in outdoor sport and play facilities, provision will be sought in conjunction with all new residential developments of 10 or more units.
- 5.64 The leisure department have requested a contribution of £39,920 which would be utilised to improve play facilities along with recreational & sporting infrastructure at Six Bells Park which is in the vicinity of the development site.
- 5.65 The developer has agreed to this request and will be secured by developer entering a S106 agreement.
- 5.66 **Other Matters**  
An objection has been made which raises concerns regarding anti social behaviour caused by future residents and what assurances will be given to current residents that this would be addressed promptly.
- 5.67 This is not a material planning consideration; it is based on perception by the objector that the future occupants will cause anti-social behaviour. Should this occur, this would be addressed by the Police.
- 5.68 **Conclusion**  
The proposed residential development is considered acceptable in land use terms and would not have an unacceptable impact on the character and appearance of the surrounding area, the amenity of the surrounding properties or the safe, effective and efficient use of the highway network.
- 5.69 The proposed development would also deliver 22 affordable housing properties, currently the LDP is behind target in terms of the delivery of affordable properties and this proposal will assist in achieving the target. The proposal will also provide a sum of £39.920 towards improving play and recreational facilities at Six Bells Park.



## 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 It is considered that the development proposal is, subject to conditions and a S106 agreement to secure provision for leisure contribution, acceptable and complies with relevant policies contained within the LDP. Accordingly, my recommendation is that planning permission be granted.
- 7.2 Recommendation 1: The applicant is requested to enter into S106 agreement in relation to the provision of leisure contributions.
- 7.3 Recommendation 2: If the S106 agreement is signed that planning permission be granted subject to the conditions and informatives outlined below.
- 7.4 Recommendation 3: In the event that the applicant fails to make meaningful progress or enter into the agreement required by Recommendation 1 within 6 months of the date of this Committee, Members give delegated authority to the Service Manager Development Services to refuse the application based on reason(s) associated with the need for the agreement required by Recommendation 1.

### Conditions:

1. Time Limit
2. Approved Plans and Docs List
3. Condition to secure affordable housing provision
4. Remove Permitted Development Rights for boundary enclosures
5. Require submission of CEMP (including site working hours)
6. Unforeseen contamination and ground stability issues

7. Validation certificate that all remedial measures regarding ground conditions (stability and contamination) have been implemented.
8. No surface water and/or land drainage to connect with public sewer network without prior written approval from the LPA
9. Cycle and off-street parking provision to be fully constructed prior to occupation and retained for such purposes
10. All junctions, roads and footways are to be constructed to highway authority design standards and to a minimum of binder course with energised street lighting prior to occupation of dwelling it serves.
11. The proposed new active travel shared footpath link is to be fully constructed prior to occupation of any dwellings.
12. Details to be submitted of the new informal pedestrian crossing point at junction with Castle Street.
13. Details of all retaining structures exceeding 1.5m
14. Boundary enclosures to be provided for the dwelling it relates prior to occupation.
15. Bin stores and drying areas to be installed prior to occupation of the dwelling it serves.
16. Implementation of landscaping scheme.

Informatives:

1. The developer is reminded of his/her obligation under the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 to give notification of commencement of development to the Local Planning Authority and to display a notice at all times when the development is being carried out.
2. The applicant/developer should note that the development hereby approved also requires SuDS approval before work commence. Further guidance can be found at <https://www.blaenau-gwent.gov.uk/en/resident/planning/how-to-apply-for-planning-permission/permission-for-drainage/> On such basis any surface water drainage details submitted as part of your application have not been considered. Should it be necessary to amend your development to meet the requirements of the SAB (SuDS Approval Body) you should seek further advice from the Local Planning Authority.
3. The Highway infrastructure serving the proposed development is to be constructed in accordance with Blaenau Gwent's 'Residential, Industrial and Commercial Estate Roads Design Guide' and be subject of a Section 238/38 agreement under the Highways Act 1980. The Highway Authority considers this development will be designated as a 'Home Zone' and appropriate provisions made to comply with design criteria as

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

4. In order to complete the junction upgrade works to facilitate access to the development from Castle Street, the applicant will be required to enter into a Section 38/278 Agreement under the Highway Act 1980 with the Council. These works are to be designed and constructed in accordance with the Council's highway design standards and will be subject to a full Road Safety Audit. The proposed new active travel shared footpath linking the development site to the wider Active Travel network must be lit and constructed in accordance with the highway authority/ Active Travel design standards, and subject to adoption.
5. All wild birds, their nests and their eggs are protected under the Wildlife and Countryside Act 1981 (as amended). All British bat species are protected under the Conservation of Habitats and Species Regulations 2010 (as amended), known as the 'Habitats Regulations'. Under the Habitats Regulations, it is an offence if you:
  - Deliberately capture, injure or kill any wild animal of a European Protected Species,
  - Deliberately disturb wild animals of any such species,
  - Damage or destroy a breeding site or resting place of such an animal.
6. NRW advise that Environmental Permits from them may be required (during construction and operation) and they recommend early consultation with the relevant permitting teams to ensure all permits are in place prior to commencement of development. Further advice on environment permits can be found at Natural Resources Wales / Environmental permits. The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit. Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays. NRW can be contacted at 0300 065 3000.

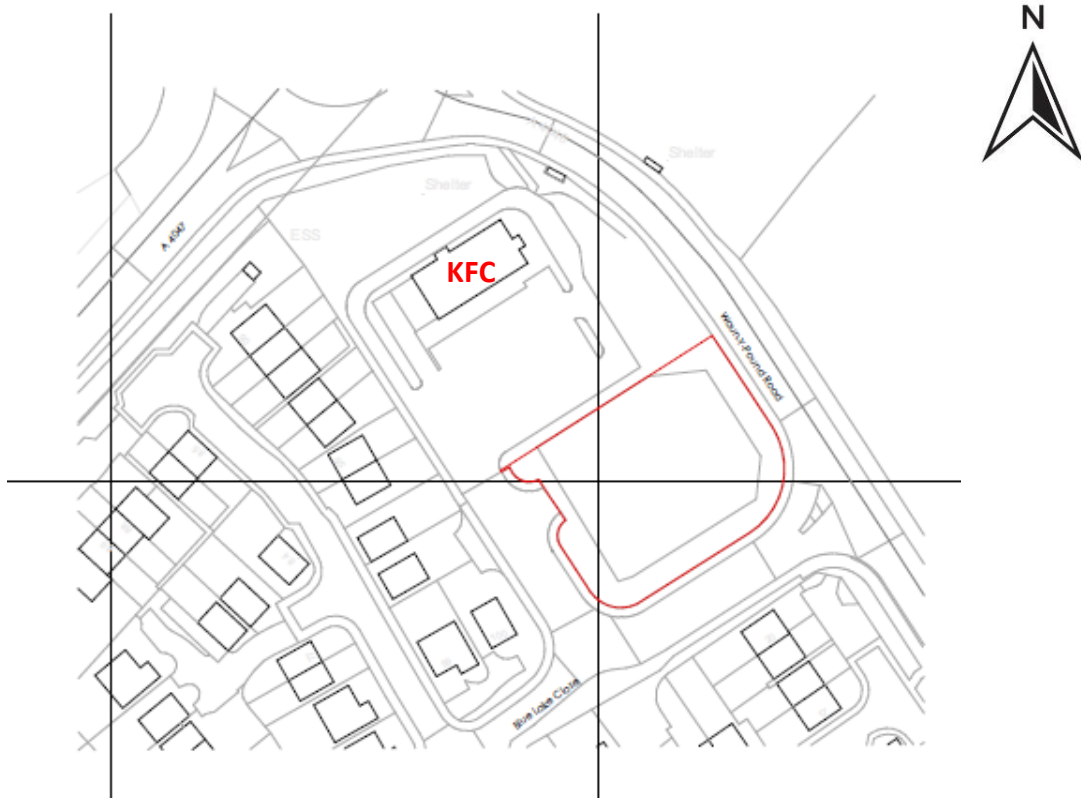
7. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com). The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
8. In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. DCWW would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

## **8.0 Risk Implications**

8.1 None.

## Planning Report

<b>Application No:</b> C/2023/0232	<b>App Type:</b> Full
<b>Applicant:</b> Mr James Marshall Commercial Development Projects Ltd Huddersfield Rd Elland HX5 9BW	<b>Agent:</b> Mr Matthew Gray Montagu Evans LLP 70 St Mary Axe London EC3A 8BE
<b>Site Address:</b> Land adjacent to KFC, Waun-Y-Pound Road, Ebbw Vale, NP23 6LE	
<b>Development:</b> Erection of a drive thru bakery (Class A1/A3 use) and associated development	
<b>Case Officer:</b>	Sophie Godfrey





## 1.0 Background, Development and Site Context

- 1.1 This application seeks full planning permission for the erection of a drive thru bakery (Use Class A1/A3) and other associated development at land adjacent to KFC, Waun-y-Pound Road, Ebbw Vale. The submitted plans indicate the occupier would be Costa.
- 1.2 At present the site consists of an unused parcel of grassland. KFC drive thru is located to the north, Waun-y-Pound Road to the east, and residential development known as Blue Lake to the south and west. The site is broadly rectangle in shape and measures approximately 0.2ha. The topography of the site is a gentle slope from north-west to south-east. The site is within the settlement of Ebbw Vale, with Ebbw Vale Town Centre approximately 1.42km to the south east. The application site is allocated in the adopted Local Development Plan (LDP) under Policy MU1 for mixed use development as part of the Ebbw Vale Northern Corridor.



Figure 1.1 Existing Site

- 1.3 The proposal would include the erection of a drive thru bakery, with access gained off Waun-y-Pound Road to the east of the site and then via an internal road to the west. The drive thru would wrap around a southerly positioned building within the application site. The main customer/pedestrian entrance

would be located to the north of the building, with a drive thru service window would be located to the south of the site.

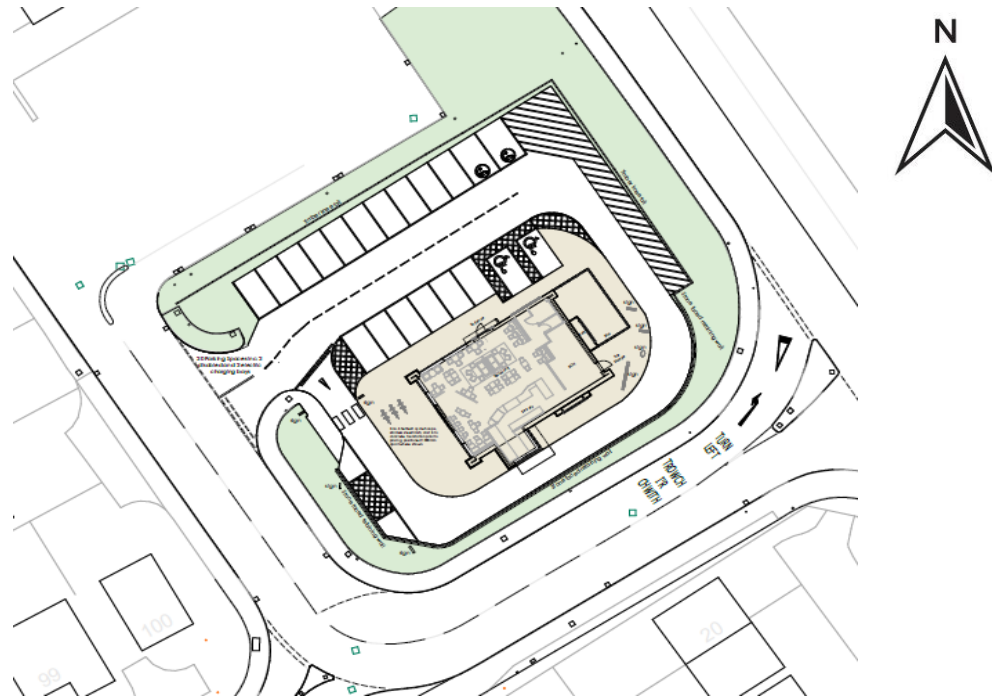


Figure 1.2 Proposed Site Plan

1.4 The building would be typical of a 'Costa' building; finished in red and white thru coloured render with feature vertical red cedar timber cladding. All elevations would include the company logo, with a logo sign to the roof (which will require separate Advertisement Consent).



### Figure 1.3 Proposed Elevations

- 1.5 The internal layout would comprise of a back of house/kitchen area, servery and dining area to enable customers to consume food and drink on the property. 20no. parking spaces would be provided to the north of the site, in addition to 3no. bicycle stands. There is a 2m high timber fence proposed to the eastern elevation that will enclose a bin store. A 0.7m high stone faced retaining wall is proposed to the south/south east of the site.
- 1.6 This application is being presented to committee due to the potential impact the proposal may have on businesses in the Ebbw Vale Town Centre. As such, the proposal is considered to be of wider public interest.
- 1.7 It should be noted that there is extant permission on this site for a similar drive thru bakery (Greggs) in use class A1/A3 that was approved at Committee in February 2023.

## 2.0 Site History

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2.1	C/2022/0250	Erection of a drive thru bakery (Class A1/A3 use) and associated development	Approved (09/02/2023)
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## 3.0 Consultation and Other Relevant Information

### 3.1 Internal BG Responses

### 3.2 Service Manager Infrastructure: Highways:

3.3 Highway observations: The submitted planning application complies with the Council's 'Access, Car Parking and Design SPG', and Policy DM 1 (3 a, b, c & d). There are no objections.

3.4 Drainage:  
No objections in principle providing it meets all the requirements of the SAB. This development will have to obtain SAB Approval before commencing work on this site.

3.5 Landscape:  
No objections.

3.6 Ecology:  
No objections.

3.7 Service Manager Public Protection:

3.8 The Noise assessment concludes that the noise levels from the site will be of low impact. However, the following conditions should be added:

- Plant Noise – 0dBA Above Background
- Delivery Times
- Fume Extraction
- Floodlighting

3.9 **External Consultation Responses**

3.10 Welsh Water:

No objection subject to standard informatives and condition regarding the installation of an adequate grease trap.

3.11 Western Power:

Identified Assets in the vicinity.

3.12 W&W Utilities:

Identified Assets in the vicinity.

3.13 Coal Authority:

No objection subject to conditions requiring an intrusive site investigation, associated remedial works where necessary and verification that such works have been carried out.

3.14 **Public Consultation:**

- 22 letters to nearby houses
- 2 site notice(s)
- website public register of applications
- ward members by letter
- all members via weekly list of applications received

3.15 Response:

3.16 2 letters have been received from neighbouring properties raising the following concerns:

- Impact on highway safety due to increased traffic movements around the site and into the access road for the housing estate at Blue Lake Close. Traffic is already bad due to KFC and this is before the Persimmon development has finished.

- Vehicles speed on the highway which causes a serious concern for safety, particularly pedestrian safety with this being a popular walking route. The new drive thru bakery will cause an increase in the number of cars parking on and next to the pavements around the entrance to Blue Lake Close.
- Concerns if the car park will be big enough to accommodate the volume of cars/people the proposal will attract.
- Loss of privacy to residents of Blue Lake Close.
- Negative Impact on value of nearby houses.
- Increase in noise pollution.
- The proposal will encourage unhealthy eating when obesity is already a problem.
- Increase in number of rats in the area.
- There is a significant amount of rubbish, already coming from KFC. The proposal will only make this worse.
- When surrounding residents purchased their homes, they were advised that KFC would be moving; this did not happen.
- Questions as to whether the proposal supports government policy such as “A Healthier Wales” strategy. Another unhealthy drive thru would add to the already serious health crisis in Wales and put even more pressure on our NHS.
- The development directly goes against the Net Zero Wales policy which states that we should strive for a ‘greener, stronger, fairer Wales’. It goes completely against this policy to build a development that will in no way benefit the environment, and will only cause more parking and traffic congestion. When Blue Lake Close was built, it was built with the environment in mind and there are many green areas where trees and plants have been planted. This has done wonders for the environment and there is often wildlife occupying the large green spaces. The noise and pollution of this new drive thru is only going to prove detrimental to wildlife and the environment.

## **4.0 Planning Policy**

- 4.1 Planning Policy accept that the use is a leisure use which is different in operation and usage to a convenience store in the town centre. The use will primarily attract passing vehicles on the highway network.
- 4.2 The Council’s Retail and Leisure Study identifies capacity for additional leisure spend on a year by year basis up to 2.9% on the basis of a growth in expenditure. The study also identifies a shortfall of existing food and drink facilities within the County Borough.



4.3 In February 2023, planning permission was granted on primarily the same site (slight difference in the boundary at the north eastern corner) for the same use A1/A3. Therefore planning policy consider that the principle of development has been established at the site through this permission and there are therefore no planning policy objections in principle. The original application (C/2022/0250) contained an assessment in relation to out of town retail/leisure development and planning policy accepted the findings. Given that nothing substantial has changed since the original planning application, planning policy raise no concerns.

#### 4.4 LDP Policies:

SP1 – Northern Strategy Area – Sustainable Growth and Regeneration

SP3 – The Retail Hierachy and Vitality and Viability of the Town Centre

SB1 – Settlement Boundaries

DM1 – New Development

DM2 – Design and Placemaking

DM3 – Infrastructure Provision

MU1 – Ebbw Vale Northern Corridor

R1 – Retail Allocation

#### 4.5 Supplementary Planning Guidance

Access, Car Parking and Design (March 2014) Supplementary Planning Guidance

#### 4.6 PPW & TANs:

Future Wales 2040

Planning Policy Wales 11: section 4.3 (February 2021)

Technical Advice Note 4: Retail and Commercial Development (November 2016)

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

## **5.0 Planning Assessment**

### 5.1 Principle of Development

- 5.2 The Blaenau Gwent Local Development Plan (LDP) indicates that the proposed site lies within the settlement boundary (Policy SB1) within which development is generally permitted subject to policies in the Plan and other material considerations. The application site is allocated for mixed use development as part of the MU1 Ebbw Vale Northern Corridor allocation. There are no known constraints as per the Constraints Map.
- 5.3 Strategic Policy SP1 requires proposals within the 'Northern Strategy Area' to deliver sustainable growth and regeneration. This will be achieved by: Supporting the creation of a network of sustainable hubs around the principal hub of Ebbw Vale (criterion a);
- Promoting Ebbw Vale as the principal hub for Blaenau Gwent, where majority of social and economic growth will be accommodated including major retail expansion...(criterion b); and
  - Deliver strategic sustainable regeneration flagship schemes at The Works and Ebbw Vale Northern Corridor (criterion c).
- 5.4 The application site is allocated for mixed use development. Policy MU1 identifies the Ebbw Vale Northern Corridor for the construction of 805 homes, a commercial leisure hub, road side services, employment, a strategic mixed use employment and a network of green links. An indicative concept plan accompanies the policy and identifies the application site as white land i.e. no specific land use has been identified for the site.
- 5.5 Out of Centre Retail Development  
Future Wales - the National Plan 2040 was published on the 24<sup>th</sup> February 2021, and therefore is relevant to this application as it now forms part of the Development Plan. Welsh Government has adopted a town centre first approach and requires that significant new commercial, retail, education, leisure and public service facilities must be located within town centres. They should have good access by public transport to and from the whole town and, where appropriate the wider region. A sequential approach must be used to inform the identification of the best location for these developments.
- 5.6 This is further supported by Planning Policy Wales (PPW) 11 para 4.3.2 which identifies that that retail and commercial centres should be identified in development plans and include established city, town, district, local, village and neighbourhood centres.
- 5.7 The LDP does not contain a development management policy that deals specifically with out of centre retail developments, but instead, relies on the requirements set out in national planning policy. PPW and TAN 4 sets out the tests that need to be applied when determining a retail application:

## 5.8 Quantitative Need

It is important that communities have access to adequate levels of retail provision. Evidence should demonstrate whether retail provision is adequate or not, by assessing if there is further expenditure capacity in a catchment area (quantitative need) or if there is a lack of retail quality, range of goods or accessibility (qualitative need). PPW is clear that precedence should be given to quantitative need for the proposed development (paragraph 4.3.15).

5.9 As part of the evidence base for the preparation of the replacement LDP (RLDP) the Council commissioned a 'Blaenau Gwent Retail and Leisure Study' (the 'Retail Study' or the 'Study'). The Retail Study was finalised in August 2021 and provides the best available information. Whilst the Study does not form part of the adopted LDP its should be considered as a material planning consideration. The Study concludes that the there is no quantitative retail need for additional food (convenience) and non-food (comparison) retail floor space in the Borough during the plan period 2018-2033, even before an allowance is made for committed retail developments.

5.10 However, the proposal is for a mixed use (A1/A3) which incorporates both an A1 use (bakery) and an A3 use (café). An A3 use is defined as being the sale of food and drinks for consumption on the premises. Inherently, cafes have become places to socialise and as such, the study identifies A3 uses as a leisure use.

5.11 Given the nature of the development, it is considered that the proposal would be classified as a leisure use, rather than solely retail.

5.12 The Study identifies capacity for additional leisure spend on a year by year basis up to 2.9% on the basis of a growth in expenditure. The study also identifies a shortfall of existing food and drink facilities within the County Borough. The proposed development will therefore positively contribute to meeting this shortfall. It is therefore considered the applicant has demonstrated the quantitative need of the development.

## 5.13 Qualitative Need

5.14 Qualitative need identifies if there is a lack of retail quality, range of goods or accessibility.

5.15 Proposals based on this approach should be closely scrutinised to ensure that their development does not have unintended consequences and detrimental

impact on existing retail activity within retail and commercial centres (Technical Advice Note 4, paragraph 6.6). PPW sets out a number of criteria which should be considered as part of a qualitative assessment and TAN 4 indicates that a combination of these criteria will need to be met in order to justify new retail development:

- support the objectives and retail strategy of an adopted development plan or the policies in this guidance.
- are highly accessible by walking, cycling or public transport and/or contributes to a substantial reduction in, or alleviation of, car journeys, traffic congestion or over-trading.
- contribute to the co-location of facilities in retail and commercial centres identified in the retail hierarchy; and/or significantly contributes to the vibrancy, attractiveness and viability of such a centre.
- address locally defined deficiencies and alleviates a lack of convenience provision in a disadvantaged area.

5.16 It is not considered that the above points can be applied to the proposed development as the site is in an out of centre location and proposes a drive thru which is therefore car dependent.

5.17 However, TAN 4 recognises that regeneration and additional employment benefits may be a material consideration in making a decision on a planning application such as this. This has been raised as a consideration in the submitted, with confirmation that the development will create around 20 jobs.

#### 5.18 The Sequential Test

5.19 PPW 11 (February 2021) outlines The Welsh Government operates a 'town centres first' policy in relation to the location of new retail and commercial centre development. In implementing this policy, planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications for retail and other complementary uses. By adopting a sequential approach first preference should be to locate new development within a retail and commercial centre defined in the development plan hierarchy of centres. If a suitable site or building to meet identified need is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites and if no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes, including active travel and public transport, be considered. Developers should demonstrate that all potential retail and commercial centre options, and then

edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered.

5.20 It is noted that a sequential test was completed for both Ebbw Vale and Tredegar Town Centres and submitted under the previous application (C/2022/0250) and has been included within the Planning Statement submitted for this application. The Test concluded that there were no available sites that would offer the floor space required for the development, therefore there were no suitable, available and viable alternatives to the Site. Planning Policy agreed with the findings in respect of the existing development opportunities in Tredegar Town Centre and Ebbw Vale, and confirm that as nothing substantial has changed since the original planning application, and the proposals are very similar, they agree with that the assessments are still applicable to the current application and have no objections.

5.21 Retail Impact Assessment

5.22 The national requirement for impact assessments to be undertaken for proposed retail uses as set by PPW is 2,500 sq. m. The proposed leisure use sits at just 6.6% of the threshold. With the previous extant permission at the site, the applicant submitted a Retail Impact Assessment which concluded that any impact from the proposal would be limited to bakeries, predominantly the existing Greggs located in the town centres of Ebbw Vale and Tredegar. The assessment concluded that the proposal would operate in addition to existing stores without a detrimental impact upon the existing stores in Ebbw Vale and Tredegar which would remain open.

5.23 Whereas such Assessment has not been provided with this application, the submitted Planning Statement states that the current proposal would not have a materially different impact to the extant permission on the site. I agree that as the main trade of the proposed unit would be passing motorists, the impact on the existing shops is considered to be minimal and coherent with the impact from the extant permission on the site. Planning Policy have confirmed they are satisfied with this conclusion.

5.24 Having considered all of the above, Planning Policy have confirmed they have no objection in terms of land use. I concur with this view and consider that the proposal in land use terms is acceptable and compliant with local and national planning policy and will not result in an unacceptable detrimental impact on Ebbw Vale or Tredegar town centres.

5.25 Layout, Scale, Design

In terms of layout and scale, the proposal is considered to be of a suitable scale, with adequate space to allow for planting and landscaping. The building



is positioned towards the south/south east of the site, set in from the western boundary away from the residential dwellings at Blue Lake Close which is welcomed.

- 5.26 In terms of design, the proposal is typical of a drive thru restaurant, finished in red and white thru coloured render with feature vertical red cedar timber cladding. All elevations would include the company logo, with signage to the roof (all of which will require separate Advertisement Consent). There is a planting/hedgerow scheme proposed around all boundaries of the site.
- 5.27 There is a retaining wall proposed to the south east and south west boundaries. However as it would be limited in height at 0.7m, finished with a stone face, and as there is landscaping proposed to the front of the wall, it is considered acceptable in terms of visual amenity. There is also a 2m high timber fence proposed to the eastern elevation that would enclose a bin store. Given the presence of the existing KFC drive thru to the north of the site, and as there is landscaping proposed to all boundaries of the site, it is considered the proposal is acceptable in terms of layout, scale and design and would not have a detrimental impact upon the visual amenity of the surrounding area and wider landscape.
- 5.28 Amenity  
The nearest residential dwellings would be located approximately 21 metres away to the south and west of the site. It is noted that concerns have been raised regarding the loss of privacy to neighbouring residents, however given the separation distance and as the proposal would be single storey in height, it is not considered that there would be a loss of privacy, loss of light or overbearing impact on any neighbouring residential property.
- 5.29 It is acknowledged that eating establishments have the potential for smells and noise which can impact on neighbouring properties. However, a Noise Impact Assessment has been submitted with the application which concludes that noise from the site will be of a low impact. The Council's Environmental Health Officer has confirmed he has no objections subject to conditions including a condition that restricts noise levels. I am therefore satisfied that the imposition of such conditions will ensure noise levels can be adequately controlled.
- 5.30 The Application Form submitted with this application states the site would operate between the between the hours of 07:00 to 22:00. The Council's Environmental Health Officer has confirmed they have no objections subject to a condition restricting delivery times between the hours of 07:00 to 22:00. In order to protect neighbouring amenity, it is considered a condition should

also restrict customer opening times between these hours. Subject to conditions restricting the opening times, the proposal is considered acceptable.

- 5.31 No details have been provided in regards to extraction equipment from the food preparation areas. To ensure there is not a detrimental impact in terms of smell pollution, the Environmental Health Officer has requested a condition requiring details of fume extraction together with a condition for details of a lighting scheme to ensure no light pollution would be experienced by nearby residential properties. These conditions are considered to be necessary to protect amenity of neighbouring properties.
- 5.32 Concerns from residents regarding increased levels of rubbish and rodents in the area are noted. The Council's Environmental Health Section has appropriate powers to deal with noise, pest and odour nuisance complaints. Nevertheless, although the proposed site plan allocates an area for bin storage, no specific details have been provided regarding bins to be used by customers, therefore a condition requiring adequate waste facilities to be provided on site can be imposed.
- 5.33 Air Quality  
It is noted concerns have been raised by neighbouring properties in regards to the impact on the environment from increased traffic movements and congestion at the site. An Air Quality Assessment has been submitted in support of the application. The report states that the impact on air quality at existing receptor locations will be negligible and the pollutant concentrations will remain below the appropriate air quality standards. The Council's Environmental Health Officer has reviewed the information and confirms he has no objections in terms of impact on air quality.
- 5.34 Highways  
Access to the site would utilise the existing access that is used by the residential development at Blue Lake Close and the existing KFC unit. The drive thru would wrap around the building, with 20no. parking spaces provided to the north of the site, in addition to 3no bicycle stands.
- 5.34 The submitted Transport Assessment has been completed by an independent consultant which has concluded that:
- A swept-path analysis has been undertaken for a 10m rigid vehicle which demonstrates that the required delivery vehicles will be able to safely manoeuvre within the proposed development site.

- The highway accident data has been reviewed for the most recently available three-year road safety record for the area surrounding the site. The data does not demonstrate any pre-existing patterns or trends of incidents that could be affected by the development proposals.
- The accessibility of the site for non-car modes of travel has been assessed. It is considered that the site is located to allow for some journeys by sustainable modes for both customers and staff.
- The trip generation assessment shows that the proposed drive-thru coffee shop unit would generate a maximum of 81 trips during the peak-hour periods. However, as the proposed development is located to draw a large proportion of trade from passing vehicle traffic on the surrounding highway network, the proposals are likely to generate a relatively low level of 'new' or 'primary' vehicular trips.

5.35 The Council's Highways Manager has confirmed that the planning application complies with the Council's 'Access, Car Parking and Design SPG', and Policy DM 1 (3 a, b, c & d). There are no objections subject to conditions requiring the parking and servicing areas and cycle stands to be fully constructed prior to development becoming operational.

5.36 I appreciate the concerns raised by local residents with regards to the impact on highway and pedestrian safety through increased traffic visiting and parking at and around the application site. However as outlined above, the Council's Highways Manager has confirmed there no objections to the proposal and it is in accordance with the relevant LDP policies and SPG. There is sufficient parking proposed at the site and as the drive thru wraps around the building within the site, it is not considered it would result in increased congestion on the access road and junction leading off Waun-y-Pound Road. The submitted Transport Assessment further states that it is likely a large number of customers would be passing trade so the proposals are likely to generate a relatively low level of 'new' or 'primary' vehicular trips.

5.37 Having taken the above into consideration, subject to conditions suggested by the Highways Manager, I am satisfied that the access, parking and servicing provisions, are acceptable and the development complies with LDP Policy DM 1 (3 a, b, c, d & e).

5.38 Drainage

Since 7<sup>th</sup> January 2019 any development proposals that have a hard surface area exceeding 100m<sup>2</sup> 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). The Council's

Drainage Manager has confirmed he has no objections in principle to this application providing it meets all the requirements of the SAB. An informative note will be added to ensure the developer is aware of their responsibility to obtain the necessary SAB consents to deal with surface water drainage.

5.39 Ground Conditions

The site is located within a development high risk area as defined by the Coal Authority and as such a Coal Mining Risk Assessment has been submitted. The Coal Authority has been consulted on the application and confirmed they have no objections to the proposal subject to conditions requiring the intrusive site investigation and verification report being submitted.

5.40 Landscape & Ecology

The applicant has submitted a detailed soft landscape plan and Landscape Design Statement, Specification & Management Plan with the application. The Council's Landscape Officer has confirmed the proposal includes native species hedgerow planting to screen visually unsympathetic elements (car parking, storage areas etc.). The detailed specification for proposed landscaping and aftercare programme is acceptable, and they have no objections.

5.41 It is noted that comments have been received in regards to the impact the proposal would have on green spaces and wildlife. In line with WG guidance and for compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policies DM1, SP10 and SP14 each application for planning permission must now propose ecological and biodiversity mitigation and enhancement. The Council's Ecologist was consulted on the application and confirmed whilst in principle they have no objection to the development biodiversity enhancements should be implemented on site to provide net gain. An appropriately worded condition will ensure this is achieved.

5.42 In accordance with Chapter 6 of PPW 11 due regard has been given to the fact that the application should be accompanied by a Green Infrastructure Statement, however given the scale of the development proposed it is not considered proportionate to request one in this instance. The proposed landscaping scheme is considered sufficient and has demonstrates that green infrastructure has been given due regard. It is also noted that Green Infrastructure will also be considered as part of any future SAB application.

5.43 Other matters:

Other concerns raised such as impact on unhealthy eating, the negative impact on value and saleability of nearby houses and the proposals

compliance with other policy/legislation that is outside of the remit of planning applications are not material planning considerations.

- 5.44 In conclusion, whilst the development is out-of-centre it is considered to be a leisure use and would not have a detrimental impact upon the town centres of Ebbw Vale or Tredegar. Inherently, as a drive thru it will attract vehicular traffic. However, it has been demonstrated that a large proportion of trade will be from passing vehicular traffic on the surrounding highway network rather than 'new' or 'primary' vehicular trips. It is also worth noting that the 'eat in' restaurant element would serve the recently constructed residential developments at both Blue Lake Close and Carn-y-Cefn (old college site), both of which are within walking distance to the site.
- 5.45 On balance it is considered that the erection of a drive thru bakery (Use Class A1/A3) and other associated development is considered to be acceptable in compliance with LDP Policies SP1, SP3, SB1, DM1, DM2, DM3, MU1 and R1 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. 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:

- Location Plan, Drawing No. 00\_01, dated 03/2022;
- Proposed Site Plan, Drawing No. 00\_01D, recorded received 14/11/2023;
- Proposed Elevations, Drawing No. 02\_02 dated June 2023;
- Proposed Site Sections, Drawing No. 04\_02, dated June 2023;
- Proposed External Works, Drawing No. 1506/46/05 Rev A, dated 25.07.22;
- Detailed Soft Landscape Proposals, Drawing No. TDA.2901.01, dated September 2023;
- Landscape Design Statement, Specification & Management Plan, by TDA, dated September 2023;
- Air Quality Impact Assessment, by Dragonfly Consulting, Report Number DC4078-AR1v2, dated 02.09.2023;
- Noise Impact Assessment, by Acoustic Consultants Ltd, Reference 9758/SF, dated 26/09/2023;
- Transport Statement 2 by Dynamic Transport Planning, Report Number 3705822-TS, dated September 2023;
- Coal Mining Risk Assessment, by ARP Geotechnical Ltd, reference CDP/27/JRjcl1, dated 26 August 2022;
- Foul and Surface Water Drainage Strategy, by ARP Associates, reference 1506/46r1c, dated October 2023

Reason: To clearly define the scope of this permission.

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

Reason: To clearly define the scope of this permission.

4. No development shall commence until;
- a scheme of intrusive site investigations must be carried out on site to establish the risks posed to the development by past coal mining activity, and;
  - any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

Reason: Coal mining legacy on the site poses a potential risk to the proposed development. Further investigations are required, along with remedial measures, in order to ensure the safety and stability of the proposed development in accordance with the relevant criteria under LDP Policy DM1.

5. Prior to the development being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: Coal mining legacy on the site poses a potential risk to the proposed development. Further investigations are required, along with remedial measures, in order to ensure the safety and stability of the proposed development in accordance with the relevant criteria under LDP Policy DM1.

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

carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed in accordance with the relevant criteria under LDP Policy DM1.

7. The rating level of the noise emitted from (Fixed Plant and equipment (mechanical and electrical)) located at the site shall not exceed the existing background level at any premises used for residential purposes when measured and corrected in accordance with BS 4142: 2019.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with the relevant criteria under LDP Policy DM1.

8. Fumes from the food preparation areas shall be mechanically extracted and the extraction system shall be provided with de-greasing and de-odorising filters. Details of the extraction equipment (including scaled schematics, location plans, odour attenuation measures and future maintenance) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation, and the equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the approved details

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and in the interests of visual amenities in accordance with the relevant criteria under LDP Policy DM1.

9. Should the approved use have a kitchen and / or food preparation area then the use shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted to and approved in writing by the local planning authority. Thereafter the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewage system and ensure the free flow of sewage in accordance with the relevant criteria under LDP Policy DM1.

10. Prior to the installation of the floodlighting scheme, full details shall be submitted to and approved in writing by the Local Planning Authority to provide that:

- Light into neighbouring residential windows generated from the floodlights shall not exceed 10 Ev (lux) (vertical illuminance in lux).
- Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.
- The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 5%.
- The submitted scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties.

The approved scheme shall be implemented prior to first use of the lighting and be permanently maintained in that state thereafter.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with the relevant criteria under LDP Policy DM1.

11. There shall be no arrival, departure, loading or unloading of vehicles between the hours of 22:00 and 07:00 on any day.

Reason: To clearly define the scope of the permission and in the interests of amenity in accordance with the relevant criteria under LDP Policy DM1.

12. The property shall not be open to customers outside the following times: 07:00 to 22:00 Mondays to Sundays inclusive. No customers shall be allowed to enter or remain on the premises and no orders taken for food served outside the specified hours.

Reason: To clearly define the scope of the permission and in the interests of amenity in accordance with the relevant criteria under LDP Policy DM1.

13. The car parking and servicing areas as indicated on the approved plans shall be fully constructed in accordance with the approved details prior to the facility becoming operational. These areas shall be retained for their designated purpose in perpetuity.

Reason: To ensure the parking needs of the development are adequately met and to safeguard highway interests in accordance with the relevant criteria under LDP Policy DM1.

14. The cycle stands as indicated on the approved plans shall be fully constructed in accordance with the approved details prior to the facility becoming operational. These areas shall be retained for their designated purpose in perpetuity.

Reason: To ensure that the needs to bicycle parking are adequately met at all times in accordance with the relevant criteria under LDP Policy DM1.

15. The use hereby permitted shall not commence until litter bins have been provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of subsequent management of litter and maintenance of bins. Any bins provided shall be retained and managed thereafter.

Reason: In the interests of amenity and waste management in accordance with the relevant criteria under LDP Policy DM1.

16. Prior to the first beneficial use of the development, details of biodiversity and 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 mitigation 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 in accordance with the relevant criteria under LDP Policy DM14.

17. All planting, hedgerows, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following occupation of the building, the completion of the development (whichever is the sooner), or any alternative timescale that may be approved in writing by the Local Planning Authority before works commence on site. Any trees, shrubs or plants which within a period of 5 years from implementation of the planting scheme die, are removed or become seriously damaged or diseased, shall be replaced by one of the same species and size in the next available planting season.

Reason: To ensure timely implementation of an appropriate landscaping scheme in accordance with the relevant criteria under LDP Policies DM1 and DM2.

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



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.
4. All British birds, their nests and eggs (with certain limited exceptions) are protected under Part 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside Rights of Way Act 2000. This makes it an offence to intentionally or recklessly kill, injure or take any wild bird; damage or destroy the nest of any wild bird whilst it is in use or being built; or take or destroy the egg of any wild bird. To avoid any unlawful act, all works that could affect birds should be carried out between the months of September and February (inclusive).
5. Ground Investigations and groundworks -Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property).
6. Shallow coal seams - In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

## **8.0 Risk Implications**

8.1 None.