

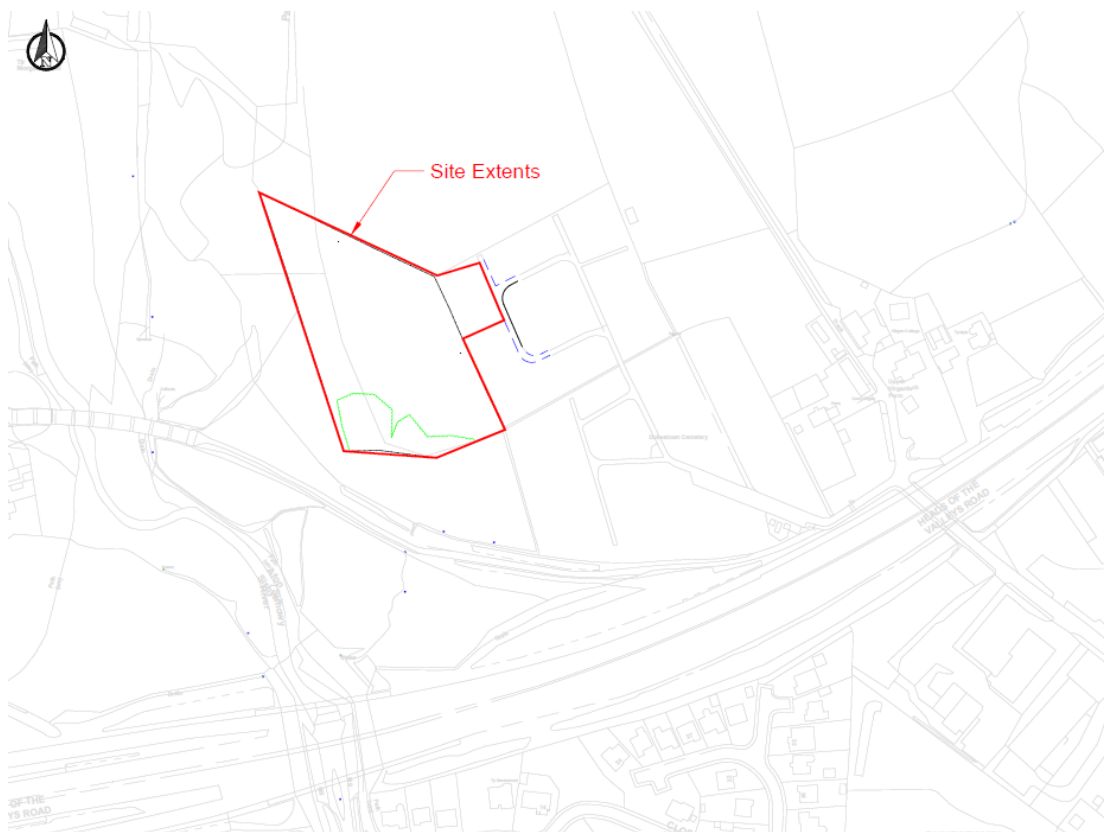
BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning, Regulatory and General Licensing
Report Subject	Planning Applications Report
Report Author	Team Manager Development Management
Report Date	11th April 2024
Directorate	Regeneration & Community Services
Date of meeting	23rd April 2024

Report Information Summary

1. Purpose of Report	
To present planning applications for consideration and determination by Members of the Planning Committee.	
2. Scope of the Report	
Application No.	Address
C/2023/0189	FIELD TO WEST OF DUKESTOWN CEMETERY, CROWN AVENUE, DUKESTOWN, TREDEGAR, NP22 4EE
C/2023/0226	LAND AT RHYD Y BLEW, BEAUFORT ROAD, EBBW VALE
3. Recommendation/s for Consideration	
Please refer to individual reports	

Planning Report

Application No: C/2023/0189	App Type: Full
Applicant: David Watkins BGCBC Anvil Court Church Street Abertillery NP131DB	Agent: Blaenau Gwent CBC Mr Gavin Conlon The General Offices Steelworks Road Ebbw Vale United Kingdom NP23 6DN
Site Address: FIELD TO WEST OF DUKESTOWN CEMETERY, CROWN AVENUE, DUKESTOWN, TREDEGAR, NP22 4EE	
Development: Extension of existing cemetery into adjoining open field	
Case Officer: Sophie Godfrey	





1.0 Background, Development and Site Context

- 1.1 This application seeks full planning permission for the extension of the existing Dukestown Cemetery, Crown Avenue, Tredegar into the adjoining field to the west of the cemetery.
- 1.2 The site currently comprises of an open field measuring approximately 147m in depth and 82m in width. The topography of the site is that it slopes from east to west. To the east of the site is the existing Dukestown Cemetery, to the south is the A465 Heads of the Valley Road, and to the north and west is the Trefil and Garnlydan Surrounds Special Landscape Area (SLA). The site is located outside of the settlement boundary, in the countryside and within the Trefil and Garnlydan Surrounds Special Landscape Area (SLA).



Figure 1.1 Proposed site



Figure 1.2 Proposed Site

- 1.3 The proposal would involve the extension of the existing cemetery, with new vehicle access road and pedestrian footways providing access from within the existing cemetery. A new hedgerow is proposed to the southern and western boundaries, with a new retaining wall proposed to the north eastern boundary. The anticipated yearly burial rates are estimated to be between 17 – 25.

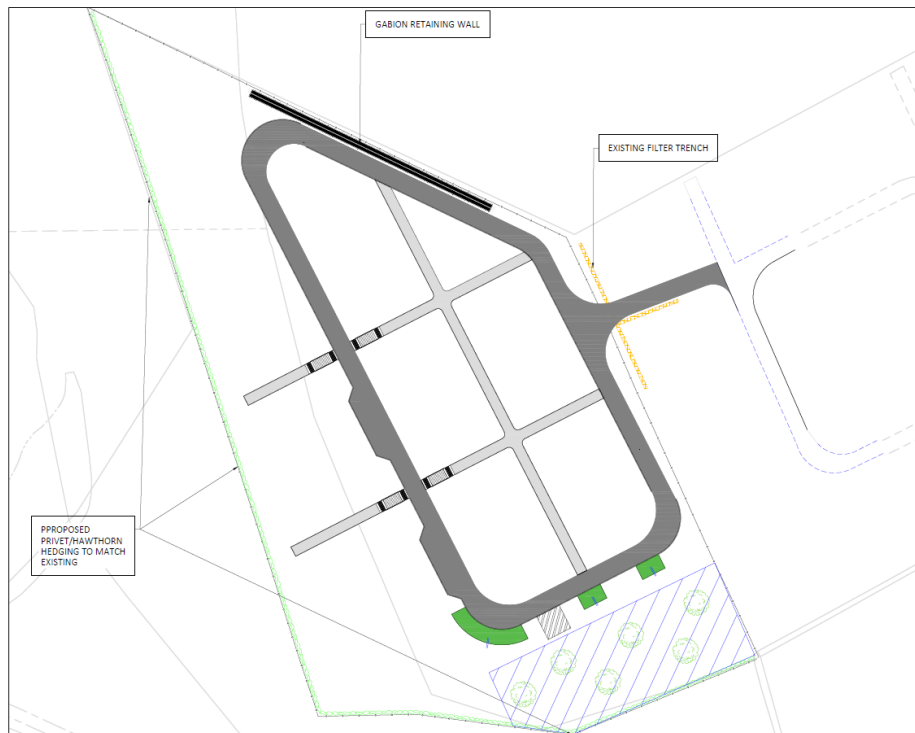


Figure 1.3 Proposed Site Layout

- 1.4 This application is being presented to committee as the proposal is considered to be of wider public interest and a departure from the LDP.

2.0 Site History

2.1 None.

3.0 Consultation and Other Relevant Information

3.1 Internal BG Responses

Service Manager Infrastructure:

3.2 Highways: No objections.

- 3.3 Drainage: No objections. This development will have to obtain SAB Approval before commencing work on this site.
- 3.4 Landscape & Trees: Objects in current form and has requested the submission of a Tree Survey, Arboricultural Implications Assessment, Arboricultural Method Statement and Landscape Scheme.
- 3.5 Ecology: No objections provided mitigation measures and further biodiversity enhancements are made as outlined within the report.
- 3.6 Service Manager Public Protection: No objections subject to imposition of a condition regarding Pollution Prevention of Controlled Waters.
- 3.7 Head of Estates and Strategic Asset Management: No objections.

External Consultation Responses

- 3.8 Town / Community Council: No objections.
- 3.9 Natural Resources Wales: No objections subject to imposition of a condition regarding Pollution Prevention of Controlled Waters.
- 3.10 Welsh Water: No objection subject to standard informatives.
- 3.11 Western Power: No assets identified in the area.
- 3.12 W&W Utilities: No assets identified in the area.
- 3.13 **Public Consultation:**
- 6 no. letters to nearby houses
 - 1 site notice
 - press notice
 - website public register of applications
 - ward members by letter
 - all members via weekly list of applications received

Response: No representations received.

4.0 Planning Policy

- 4.1 Team Manager Development Plans:

The Blaenau Gwent Local Development Plan (LDP) indicates that the site lies outside the settlement boundary (Policy SB1), within a Special Landscape Area (Policy ENV2), within a coal safeguarding area (Policy M1) and an area where coal working will not be acceptable (Policy M3).

- 4.2 Planning Policy Wales (PPW) Edition 12 (February 2024) sets out the Welsh Government's objectives in respect of Green Infrastructure. Cemeteries are identified as green infrastructure at the local scale. This reinforces the position that Cemeteries are appropriate uses outside the settlement boundary.
- 4.3 The LDP includes an allocation to extend the existing Dukestown Cemetery to the north, however this application is for an extension to the west. The application is therefore a departure from the LDP. However, the Council have undertaken further site investigations which resulted in the site to the west of the existing cemetery also being identified as appropriate for the extension. Accordingly, Planning Policy support the proposal in principle for the cemetery extension to be located to the west.
- 4.4 The existing cemetery and proposed site are also designated as mineral safeguarding areas (coal safeguarding area) under policy M1. However, the site is also located in an area where coal working will not be acceptable under policy M3. This policy states that in accordance with national planning policy, the LDP identifies areas where coal working will not be acceptable (unless there are deemed exceptions), these include areas that are 500m from the settlement boundary. Due to the location of the site (approximately 152m from the settlement boundary) it is within an area where coal working will not be acceptable. Due to this, it is not considered that the proposal would sterilise any potential future mineral resources and is acceptable in accordance with policies M1 and M3.
- 4.5 LDP Policies:
SP10 - Protection and Enhancement of the Natural Environment
DM1 - New Development
SB1 - Settlement Boundaries
ENV2 - Special Landscape Areas
ENV5 - Cemeteries
M1 - Safeguarding of Minerals
M3 - Areas where Coal Working will not be Acceptable
- 4.6 PPW & TANs:
Planning Policy Wales Edition 11 (February 2021): 6.2
Future Wales: The National Development Plan for Wales (February 2021)

- 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 Future Wales - the National Plan 2040 was published on the 24th February 2021, and therefore is relevant to this application as it now forms part of the Development Plan. Policy 2 states that the growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure.
- 5.3 The Blaenau Gwent LDP indicates that the site lies outside the settlement boundary (Policy SB1). Settlement boundaries are a key mechanism for helping to deliver the LDPs objective of maximising the use of land. They define the area within which development will normally be permitted, subject to other policies in the Plan and material considerations. The other aim of the policy is to prevent inappropriate development in the countryside. The site is located in the Trefil & Garnlydan surrounds Special Landscape Area (SLA)
- 5.4 The LDP relies on national guidance set out in Planning Policy Wales (PPW) (Edition 12) to control any development outside the settlement boundary. Paragraph 6.2 outlines that green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Component elements of green infrastructure can function at different scales. At a local scale, it might comprise parks, fields, ponds, natural green spaces, public rights of way, allotments, cemeteries and gardens or may be designed or managed features such as sustainable drainage systems. It goes on to state that green infrastructure is capable of providing several functions at the same time and as a result offers multiple benefits, for social, economic and cultural as well as environmental resilience.

5.5 Based on the above, as cemeteries are considered to be green infrastructure, the principle of extending the existing cemetery in this location is considered acceptable and aligns with both local and national planning policy.

5.6 Layout, Scale, Design

5.7 The proposed site area is large in scale but is smaller than the existing cemetery. In order to accommodate the extension to the cemetery, the ground levels to the north/north eastern boundary need to be raised and a retaining wall is proposed on this boundary. Information submitted with the application states the wall would be a maximum of 2 metres in height, however no structural calculations have been provided. Full details including finishes and structural calculations of the wall can be conditioned to ensure there is no unacceptable visual impact on the wider SLA or on ground stability. New internal roads and pedestrian footpaths are also proposed within the site. These are considered typical to provide access within cemeteries. There is a privet/hawthorn hedgerow proposed to the western and southern boundaries which will provide screening of the proposal from the public highway.

5.8 Subject to the imposition of conditions, I therefore consider that the scale, layout and appearance of the proposed development is acceptable, would not have a detrimental impact upon the visual amenity of the surrounding area, SLA or wider landscape and complies with the relevant criteria contained in DM1 and DM2.

5.9 Amenity

The nearest residential dwellings are located approximately 150m to the east of the site. There are also residential properties found to the north, south and west in excess of 170m away from the site. Given the scale of the development proposed, and its separation distance from neighbouring properties, it is not considered that there would be a detrimental impact on any neighbouring residents.

5.10 Highways

The Council's Team Manager Built Development has been consulted on the application and confirmed they have no objections to the proposal. It is therefore considered that the extension of the cemetery would not have a detrimental impact on highway safety.

5.11 Drainage

Since 7th January 2019 any development proposals that have a hard surface area exceeding 100m² require separate SAB approval to deal with surface water drainage. This development exceeds that threshold and accordingly will require approval of Sustainable Drainage Systems (SuDS). The Council's Team Leader Drainage Engineer has confirmed they have 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.

5.12 Welsh Water have also been consulted and confirmed they have no objections to the proposal.

5.13 Ecology

Following a LERC (Biodiversity Information & Reporting Database) representation it has been identified that there are a number of protected/priority species within 500m of the site including bats and hedgehogs.

5.14 An Ecological Walkover and Reptile Survey (David Clements Ecology, November 2022) has been submitted to support the application. The Council's Ecologist was consulted on the application and confirmed there should be no long term negative impacts on key protected species provided the appropriate mitigation measures and recommendations as outlined in Section 5 of the report are implemented. However, in order to satisfy WG guidance and for compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policies DM1, SP10 and SP14 biodiversity enhancement measures should also be implemented. For example, native bulb planting, wildflower planting, where appropriate native hedgerow creation of reptile hibernacula. An appropriately worded condition will ensure this is achieved.

5.15 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 submitted plans show a hedgerow is proposed to the south and western boundaries, which is considered sufficient and has demonstrated that green infrastructure has been given due regard. The plans also show proposed rain gardens to the south of the site, and it is also noted that Green Infrastructure will also be considered as part of any future SAB application.

5.16 Landscape & Trees

The site is located within an area designated in the LDP as a Special Landscape Area (Trefil & Garnlydan surrounds SLA). Whilst LDP Policy ENV2 does not prevent development in these areas, designated SLAs are to be protected as they are considered important to the overall landscape for reasons including dramatic topography, being unspoilt, their remoteness and tranquillity, locally rare or special landscapes. Any development will therefore be required to conform to the highest possible design standards. The site is also adjacent to the Nine Arches Grassland Sites of Importance for Nature Conservation (SINC).

5.17 The Landscape Officer has been consulted on this application and confirmed that subject to the submission of an appropriate landscape scheme that encourages the development to connect with the local landscape, there are no landscape objections to the proposal. An appropriately worded condition could be imposed to secure this.

5.18 The Council's Arboricultural Officer has been consulted on the application and requested the applicant provides a Full Tree Survey, Tree Protection Plan, Arboricultural Implications Assessment and an Arboricultural Method Statement. Whilst this request is noted, following a site visit it is acknowledged that there are only a small number of trees within/in close proximity to the site, none of which are subject to TPO's. The applicant has confirmed that no trees will be removed as part of the development, and the submitted plans show a no build zone to the south of the site where most of the existing trees are located, which will protect these trees. Therefore, subject to a condition requiring existing trees at the site to be retained, or any loss of trees to be compensated as part of a robust landscaping scheme, in this instance the proposal is considered acceptable, and it is not considered a Tree Survey and other Arboricultural Assessments are required.

5.19 Ground Conditions

NRW and Environmental Health were consulted on the application and commented that cemeteries have the potential to cause pollution of controlled waters. NRW stated that they had concerns with the application as submitted because inadequate information has been provided in support of the proposal to understand the potential risk to groundwater. To assess the potential impacts, they requested further information from the application in the form of a Stage 1 – Preliminary Risk Assessment. Dependent on the results of Stage 1, a Stage 2 Determination of the appropriate level of risk assessment may also be required.

- 5.20 In response to this the applicant submitted a Ground Investigation Interpretative Report (Quantum Geotech, Report No. Q0526/IR, April 2022). The applicant also also confirmed that the current yearly burial rates for the authority is on average 17. However to allow for unforeseen issues, they have provided an estimated 25 yearly maximum number of burials.
- 5.21 NRW and the Council's Environmental Health Officer were re-consulted on submission of this additional information and confirmed that their concerns can be overcome by attaching a condition on the Pollution Prevention of Controlled Waters to any planning approval. Subject to this condition, it is not considered that the proposal would have a detrimental impact on controlled waters.
- 5.22 Conclusion
I acknowledge that the development to extend the existing cemetery is a departure from policy SB1 of the LDP (and has been advertised as such). However, as cemeteries are identified as green infrastructure at the local scale, this reinforces the position that Cemeteries are appropriate uses outside the settlement boundary. In addition, although not allocated in the current LDP, further site investigations have been undertaken which resulted in the site being identified as appropriate for the extension of the existing cemetery. Having considered the above and all relevant material planning considerations, I am satisfied that the development is acceptable subject to conditions and accords with LDP Policies DM1, DM2, ENV2 and ENV5. 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:

- Site Location Plan, dated 06/2023;
- Proposed Site Plan, recorded received 14/11/2023 (excluding surface water drainage details);
- Proposed Elevations, recorded received 13/02/2024;
- Retaining wall dimensions, recorded received 19/02/2024;
- Ground Investigation Interpretative Report, by Quantum Geotech, Report No. Q0526/IR, dated April 2022;
- Ecological Walkover and Reptile Survey, by David Clements Ecology, dated November 2022

Reason: To clearly define the scope of this permission.

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

Reason: To safeguard the integrity of any retaining works required in association with the approved development and to safeguard visual amenity interests in accordance with the relevant criteria under LDP Policy DM1.

4. All burials in the cemetery must:
- be a minimum of 250 metres from a potable groundwater supply source
 - be a minimum of 30 metres from a watercourse or spring
 - be a minimum of 10 metres distance from field drains
 - have at least 1 metre clearance between the base of the grave and the top of the water table and not made into standing water

Reason: To ensure the protection of controlled waters present on site in accordance with the relevant criteria under LDP Policies DM1.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The submitted scheme shall include :-
- a) indications of all existing trees (including spread and species) and hedgerows on the land clearly identifying those to be lost or retained;
 - b) measures for the protection of retained trees or hedges throughout the course of development;
 - c) details of ground preparation, planting plans, number and details of species;
 - d) maintenance details for a minimum period of 5 years; and
 - e) a phased timescale of implementation

Reason: To ensure submission of an appropriate landscaping scheme and to secure a development that makes a positive contribution to the landscape and visual amenities of the area in accordance with the relevant criteria under LDP Policies DM1 and DM2.

6. Prior to the extension of the cemetery being brought into 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.

Informatives:

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

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

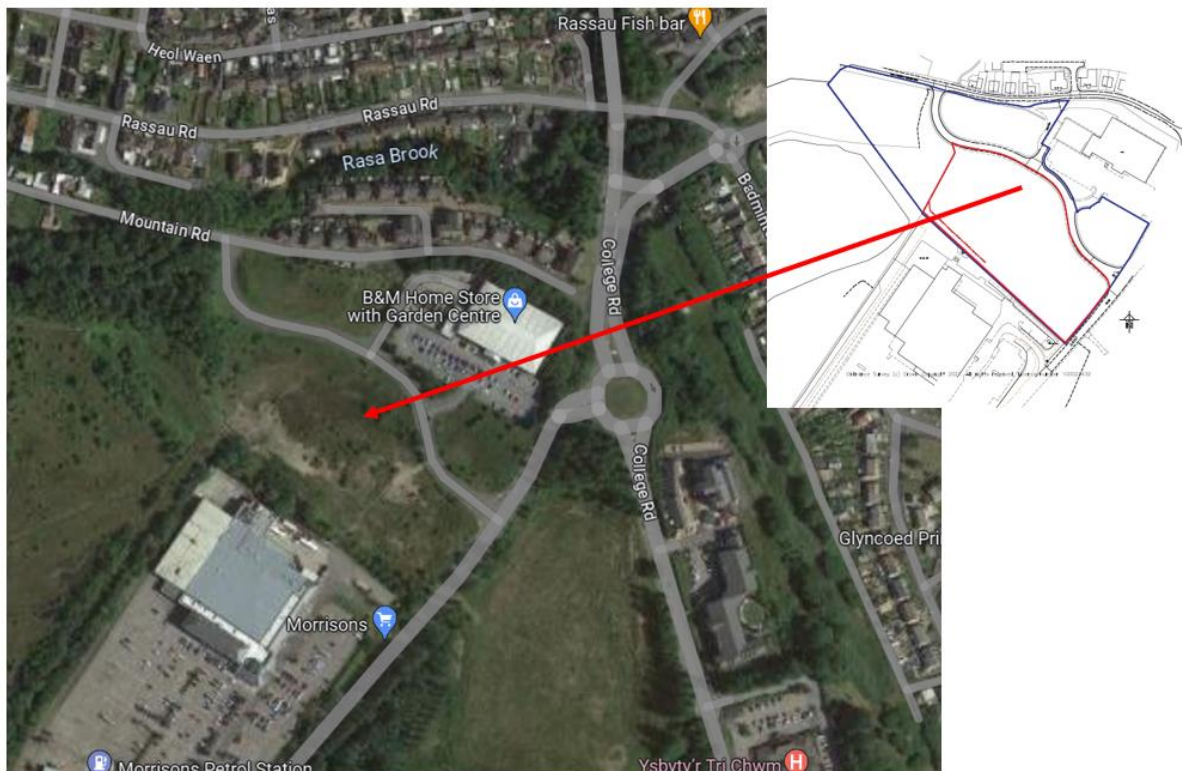
2. The applicants attention is drawn to the informatives outlined in Dwr Cymru/Welsh Waters response dated 21st September 2023.
3. Reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Should any species be found during the course of development, works should cease immediately and the developer should contact the Council's Biodiversity Officer for advice in this regard.
4. The landscaping scheme as requested in condition 6 should provide mitigation for the loss of any trees resulting from the development.

8.0 Risk Implications

8.1 None.

Planning Report

Application No: C/2023/0226	App Type: Full
Applicant: T J Morris Limited C/O Quod 21 Soho Square London W1D 3QP	Agent: Eve Warwick Quod 21 Soho Square London W1D 3QP
Site Address: LAND AT RHYD Y BLEW, BEAUFORT ROAD, EBBW VALE	
Development: Erection of 1 no. retail unit (Class A1) with external display area, along with access and servicing arrangements, car parking, landscaping and associated works.	
Case Officer:	Joanne White



1.0 Background, Development and Site Context

1.1 This report will contain references to four terms that are key to deciding this application. Below is a brief definition of each:

1. Convenience goods - the sale of food items e.g. groceries.
2. Comparison goods - the sale of non-food items e.g. Household items, furniture, DIY, garden and pet products, stationery, household appliances etc.
3. Quantitative need - is a way of calculating the need for future retail floorspace. It is based on forecasting of expenditure on a certain type of retail goods (comparison or convenience for example) over a period of time, which is then assessed against the current level of provision.
4. Qualitative need - The need for an appropriate distribution and range of sites for retail stores which meets the needs of all communities.

1.2 Background

Outline permission was granted for A1, A2, A3 and B1 uses on the site (including two smaller parcels of land adjacent to B&M Home Stores) in 1997 (ref 96/0236). This was subsequently renewed in 2001 and again in 2004, with a Reserved Matters (RM) application approved in 2006 (C/2006/0170) for retail development comprising of 13 units of varying sizes totaling 8,361sq m of gross non-food retail floorspace (6,000sq m net sales area). Whilst there are no buildings on the site, the 2006 consent has been partially implemented (in the form of groundworks) and therefore the site has the benefit of an extant planning permission. This means that the 2006 permission could be completed at any time.

1.3 The site is allocated in the current Local Development Plan (LDP) as a retail commitment under policy R1.1 Rhyd y Blew Retail Park for 6,000 sq m of non-food (comparison) retail floorspace. This reflects the 2006 permission.

1.4 Proposal

This application seeks planning permission to construct a single A1 retail unit with external display area and associated works including access, servicing, car park and landscaping.

1.5 The proposal includes 2,361sqm of Gross Internal floorspace (GIA) for the building together with 684sqm of GIA to the external garden centre area, compared to the 8,361sqm of GIA approved in the extant scheme. For clarity, the agent has explained that the garden centre element is an external display area ancillary to the main retail offer. The total floor area including the building plus external garden centre area would be 5,316sqm **less** than the extant permission.

- 1.6 The application has been supported by a Planning and Retail Statement (PRS). The submitted PRS specifies that 70% of the total retail floor space would be for non-food (comparison) goods which aligns with the extant permission and LDP allocation but 30% is now proposed to be food (convenience) retail floorspace (approximately 709 sq m gross floorspace).

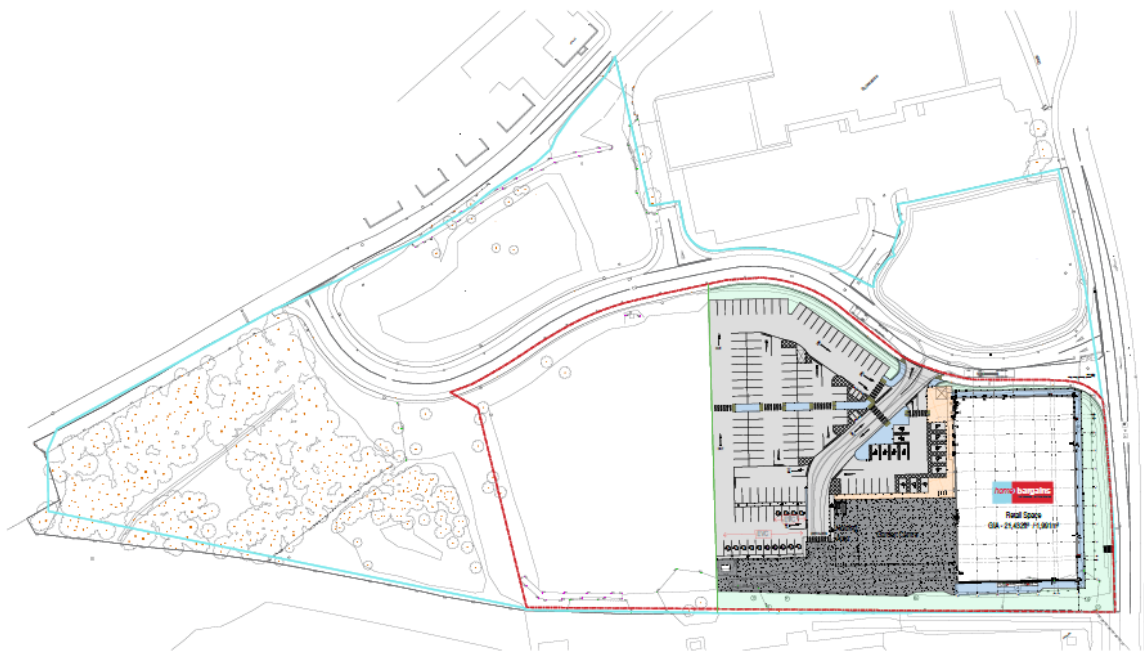


Fig 2: Proposed site layout

- 1.7 A new access will be created off the existing access road which branches off Beaufort Road (A4047). 135 car parking spaces will be provided which includes provision for 8 disabled bays, 6 parent & child parking and 14 electrical vehicle charging points. An additional five motorcycle parking bays are also incorporated into the proposal.
- 1.8 The proposed building will be single storey and measure approximately 40m x 60m with a height of up to approximately 9.7m. The external sales area (garden centre) will measure approximately 40m x 23m and will be enclosed with a 5m high weld-mesh fence. The building will be a simple portal frame with an external skin of red brick to 3.5m high with grey cladding to the upper sections.
- 1.9 The south-west elevation (fronting Morrisons) comprises of silver insulated vertical cladding. This elevation is largely screened by the embankment and significant tree and shrub growth. Plant and equipment is also proposed to this elevation.



Proposed Elevation(s)

Fig 3 (above): Proposed Elevations

1.10 Feature towers with signage, glazing and grey brickwork have been incorporated to the south-east and eastern elevations which front the A4047 and the access road.

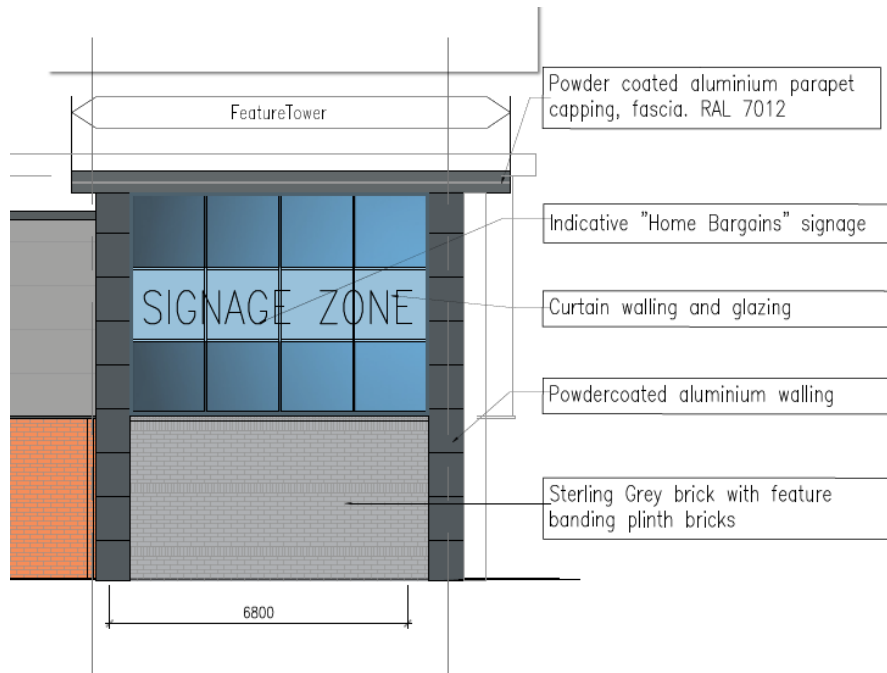
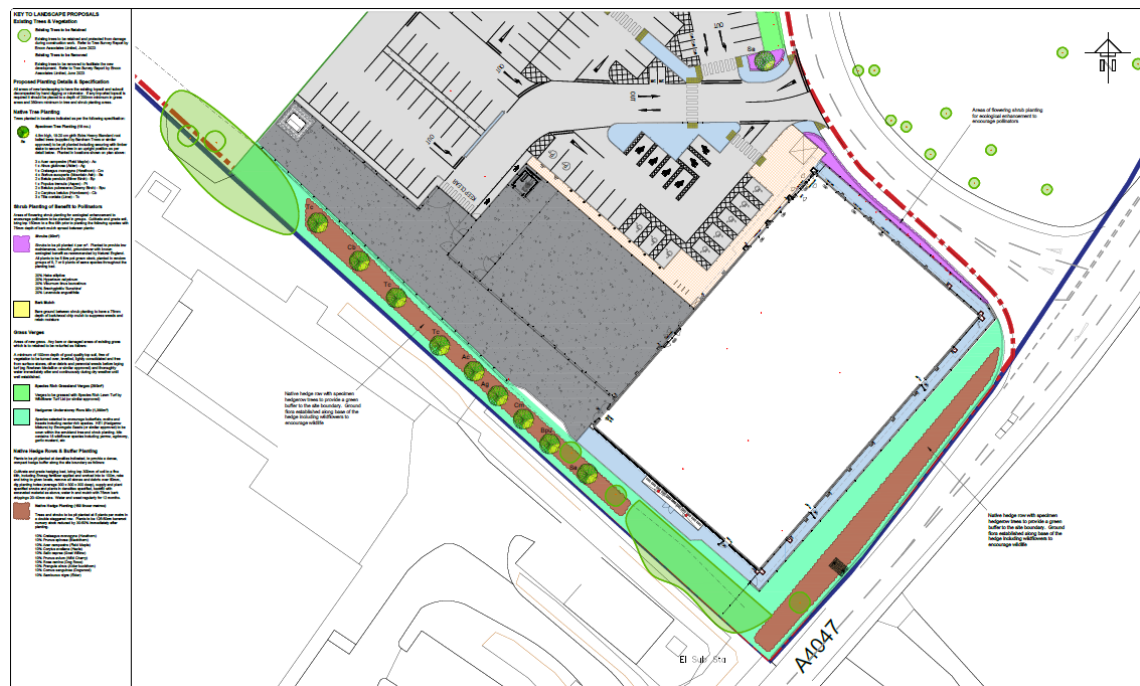
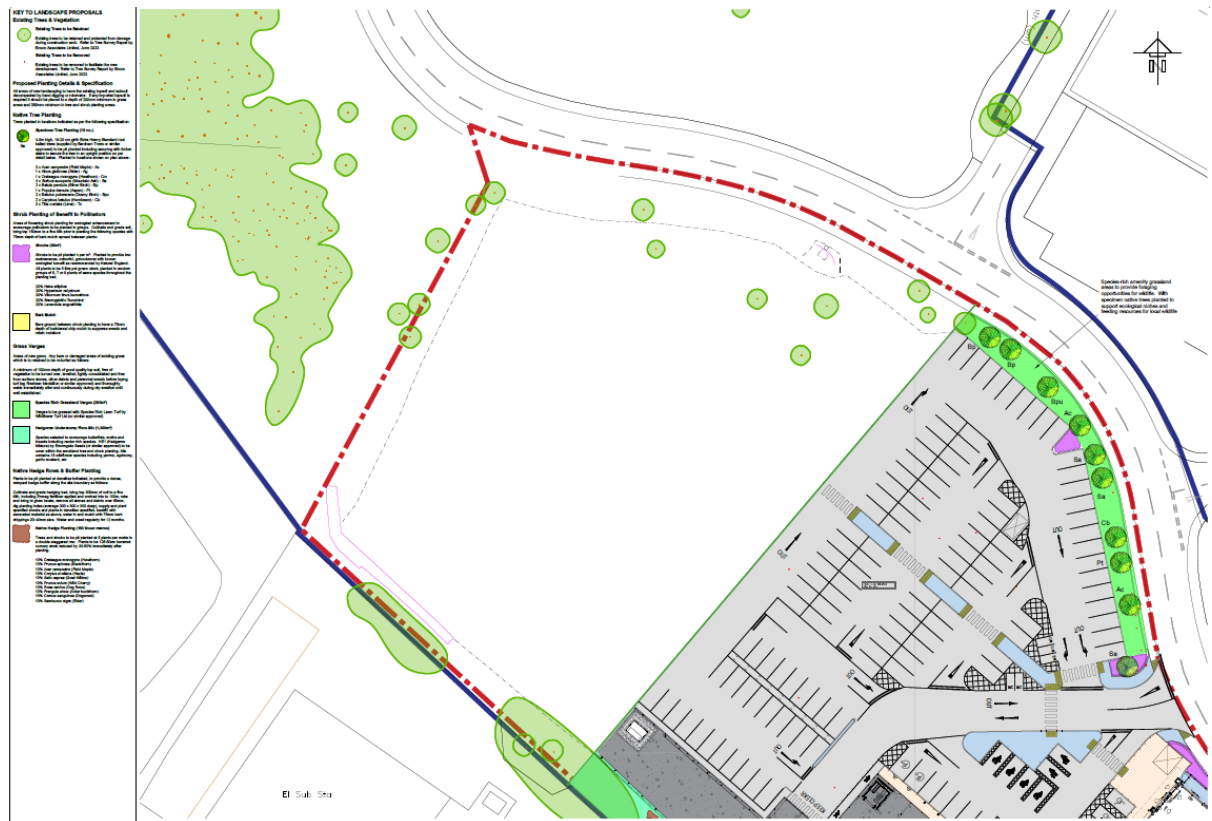


Fig 4: Proposed Feature Towers

1.11 A landscaping scheme has been submitted which includes provision for a combination of tree and native hedgerow planting, shrubs, and species rich grassland to the south-east, south-west and north-east boundaries.



1.12 Fig 5 (above) and Fig 6 (below): Proposed Landscaping



- 1.13 The plans indicate provision of a new totem to the south-eastern boundary. However, this would be subject to a separate application for Advertisement Consent.
- 1.14 The intended retailer (Home Bargains) already benefits from a store located within Ebbw Vale town centre. However, the submitted PRS confirms that the proposed store would complement the existing offering within the town centre rather than replace it.
- 1.15 It is anticipated that the proposal would create over 100 full and part-time jobs with an investment of over £15 million in the local economy.

Site Context

- 1.16 The application site comprises an underdeveloped parcel of land located to the north-east of Morrisons and south-west of B&M Home Store. The site is accessed off Beaufort Road (A4047) which runs parallel to the south-eastern boundary. Beyond that, to the south-east, is vacant land which is currently subject to an application for dwellings and the new residential development at College Road.



Fig 7(above): View of the site as viewed from the access road, looking west

Fig 8 (below): View of the site at the junction with the A4047, looking south-west



Fig 9 (below): View of the site from A4047 looking north/north-west.



Fig 10 (below): View of the site from A4047 looking north.



- 1.17 The site levels are uneven, or better described as undulating, with a steep embankment running along the south-western boundary where the land then rises to serve the Morrisons store. B&M Stores to the north-east is located at a lower level relative to the site.
- 1.18 Revised Plans were submitted in March 2024 to which this application now relates. The changes largely comprise omitting the rear internal servicing road and re-configuring the car park area. A full re-consultation exercise was undertaken.

- 1.19 In addition to the site layout, building floor and elevation plans, the applicant has submitted a suite of supporting documents which includes a Design and Access Statement, Planning and Retail Statement (including Energy Statement), Ecology Assessment, Tree Survey, Green infrastructure Statement, Travel Plan, Transport Statement, a Preliminary Risk Assessment and Interpretative Ground Assessment.
- 1.20 The applicant has undertaken pre-application consultation prior to the submission of the planning application, which included publicising a draft of the proposed development and consultation with the community and specialist consultees, including ward members. A related Pre-Application Consultation Report has been submitted with the planning application.
- 1.21 The application is being presented to planning committee as it is a major application that is in the wider public interest in respect of the potential impacts upon the town centre.

2.0 Site History

	Ref No	Details	Decision
2.1	96/0236	Ebbw Vale Bus & Retail Park, Use class A1 A2 A3 B1	Approved 29/8/96
2.2	C/2001/0178	Renewal of outline plan perm 96/0236 retail development	Approved 8/11/2001
2.3	C/2004/0562	Renewal of outline Planning permission C/2001/0178	Approved 1/12/2004
2.4	C/2006/0170	Proposed retail development	Approved 4/8/2006

3.0 Consultation and Other Relevant Information

3.1 Internal BG Responses

Service Manager Infrastructure:

3.2 Highways:

No objection subject to conditions requiring submission of a final Travel Plan and for the roads, servicing areas, car & cycle parking to be fully constructed prior to beneficial use.

3.3 Drainage: No objections. Will require SAB approval.

- 3.4 Ground Stability: No objection subject to conditions requiring compliance with the recommendations set out in Section 6 of the Preliminary Risk Assessment Report (Fairhurst, February 2024) including additional geotechnical investigations and agree an invasive species survey should be undertaken with regards to Japanese Knotweed.
- 3.5 Landscape and Trees: No objection, subject to condition requiring landscape maintenance for period of 5 years.
- 3.6 Ecology:
As a result of the development, habitat that is ruderal/ephemeral with mixed scrub, dry ditches and temporary pools will be permanently lost. This habitat has the potential to support protected and priority species such as nesting birds, reptiles, invertebrates, hedgehogs and foraging and commuting bats as the site has habitat connectivity to the wider landscape. The Ecology report has put forward some mitigation measures to address the loss of habitat which are acceptable but more details are required to compensate for the area of habitat lost due to the building footprint.
- 3.7 No objection subject to conditions requiring a CEMP, sensitive lighting design following Bat Conservation Trust Guidelines and a Landscape and Ecological Management Plan (LEMP) to include additional mitigation measures.
- 3.8 Rights of Way: No objection.
No public rights of way are currently recorded on the definitive map within the site boundary. Public Footpath known as 332/49 would run in close proximity to the external boundary of the site at its western corner however does not appear to be adversely affected by the proposal.
- 3.9 Estates: No objection.
- 3.10 Service Manager Public Protection:
The land the development is proposed to be built upon is overlain with made ground associated with historical industries in the area.
- 3.11 The Phase II interpretive ground assessment report prepared by Sutcliffe investigations confirmed that the levels of contamination present in the soil on the site were within acceptable thresholds for a commercial development. The report also included a ground gas risk assessment which identified the need for gas protection measures for the building and used a combination of two risk assessment methods.

3.12 No objection subject to conditions requiring a CEMP (including hours of working), unforeseen contamination, submission of revised gas protection measure and a verification/validation report to confirm the necessary works have been completed.

3.13 **External Consultation Responses**

3.14 Natural Resources Wales:

Raise concerns with the application as submitted in respect of land contamination and pollution. 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, and a Construction Environmental Management Plan (CEMP).

3.15 Welsh Water:

No objection subject to a condition requiring foul water only to discharge to the public sewerage system and specifying that the discharge shall be made between manhole SO15119205 and SO15119208. Standard informative notes to the applicant are also recommended.

3.16 W&W Utilities: Note position of apparatus.

3.17 National Grid: Note position of apparatus.

3.18 Coal Authority: No objections.

3.19 Fire Authority: No objections. Suggest standard informative notes to advise of adequate water supplies on site and access for emergency services.

3.20 Police:

No objection. Recommend the applicant seeks Secured by Design (SBD) approval for the development.

3.21 **Public Consultation:**

- 3 x letters to nearby premises
- 2 x site notices
- Press Notice
- website public register of applications
- ward members by letter
- all members via weekly list of applications received

3.22 Response: No representations received.

4.0 Planning Policy

4.1 Team Manager Development Plans:

Planning policy originally raised concerns with the proposed development on the basis that there is no established quantitative need for the development as identified in the Retail and Leisure Study (2021) commissioned by the Council to inform the Replacement Local Development Plan (RLDP).

4.2 In response to the concerns raised, the applicant submitted further information in the form of a letter dated 17th January 2024 (ref Q200490/AF/TR). The additional information provides clarification and addresses points raised regarding the quantitative and qualitative need arguments (for convenience and comparison) and the requirement to demonstrate this under national policy. In the context of the fallback position Planning Policy have confirmed that the evidence is proportionate and reasonable in that respect.

4.3 Planning Policy are satisfied with the further information provided and support the application.

4.4 LDP Policies:

SP1	Northern Strategy Area – Sustainable Growth and Regeneration
SP3	The Retail Hierarchy and Vitality and Viability of Town Centres
DM1	New Development
DM2	Design and Placemaking
DM4	Low and Zero Carbon Energy
DM14	Biodiversity Protection and Enhancement
DM16	Trees, Woodland and Hedgerow Protection
SB1	Settlement Boundaries
R1	Retail Allocations

4.5 PPW & TANs:

- Planning Policy Wales Edition 12 (February 2024)
- Future Wales The National Plan 2040
- Blaenau Gwent Retail and Leisure Study (2021)
- Blaenau Gwent Retail and Leisure Study Update (June 2023)

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

5.0 Planning Assessment

- 5.1 The Blaenau Gwent LDP identifies that the site is located within the settlement boundary within which development is generally permitted subject to other policies in the plan and material considerations. As highlighted earlier in this report, the site is allocated for retail within the LDP under policy R1.1 for 6,000 sq m of non-food retail to reflect the permission granted in 2006.
- 5.2 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. The study was reviewed in June 2023 to ensure that its findings remained relevant and valid given economic challenges.
- 5.3 The review reinforces the 2021 advice that there will be no quantitative need for additional non-food (comparison) floorspace provision in Blaenau Gwent during the plan period. Based on this, the Study made some policy recommendations in relation to the current retail commitment allocations. Of the 6 sites allocated for retail development in the current LDP, none have come forward for development to date. The study therefore suggests that there is therefore no requirement to retain the allocations in the replacement plan. The study made the following conclusion regarding the Rhyd y Blew Retail Park site:
- 5.4 *“• R1.1 Rhyd y Blew Retail Park, Ebbw Vale – this site has planning permission for 6,000 sqm net of non-food retail floorspace and, it is our understanding that the development has been partially implemented and thus, this is an extant permission. This means it could come forward for development at any time. However, it is not necessary to retain it as an allocation and instead it should be treated as any other out of centre retail site should new proposals come forward.”*
- 5.5 **Out of Centre Retail Development**
Future Wales - the National Plan:2040 (Feb, 2021) forms part of the Development Plan. Welsh Government has adopted a town centre first approach and requires that significant new commercial, retail, education, leisure and public service facilities must be located within town centres. They should have good access by public transport to and from the whole town and, where appropriate the wider region. A sequential approach must be used to inform the identification of the best location for these developments (Policy 6, page 71).

- 5.6 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.
- 5.7 Section 4 of Planning Policy Wales (PPW) (Edition 12, February 2024) sets out a number of objectives for retail and commercial centres. Paragraph 4.3.25 specifies that “*Retail developments outside designated retail and commercial centres, and which are not on an allocated site, can impact on the viability and vibrancy of a centre. Impacts resulting from such development, whether individual or cumulative, may include changes in turnover and trading ability, consumer choice, traffic and travel patterns, footfall, as well as affect centre regeneration strategies and existing or proposed retail sites allocated in the development plan.*”
- 5.8 Whilst it is acknowledged that the site is allocated within the LDP as an out-of-centre development, the allocation is for non-food retail only. Given the proposal seeks to introduce 30% floorspace for food retail and taking into account the advice contained in the latest review of the Retail Study, it was considered prudent to seek a proportionate assessment of the proposal against the relevant ‘retail tests’ namely retail need, sequential approach to site selection and retail impact.
- 5.9 PPW advises that in establishing whether a need exists outside existing centres, this may be ‘quantitative’ to address an unmet demand for the provision concerned or ‘qualitative’. Quantitative need assesses if there is further expenditure capacity within a catchment area whilst qualitative need identifies if there is a lack of retail quality, range of goods or accessibility (para 4.13.13). However, it is clear that “precedence should be given to establishing quantitative need before qualitative need is considered for both convenience (food) and comparison (non-food) floor space...” (Para 4.3.15, PPW 12).
- 5.10 Quantitative Need
The Retail Study identifies that over the Replacement LDP period 2018-2033 there is no need for further food (convenience) and non-food (comparison) retail development. Nevertheless, it is acknowledged that the site benefits from an extant planning permission which is therefore a material consideration in assessing this application. Furthermore, the proposal is for approximately 3,800sq m less retail space (net sales area) compared to the extant scheme.
- 5.11 The application has been supported by a Planning and Retail Statement (PRS) to demonstrate the retail need for the proposal. Unlike the Retail Study, the PRS focusses on localised catchments, namely Ebbw Vale North area (Zone 2 of the Study) where the site is located. Following initial concerns raised by

the Policy team, the area of study was extended to include Tesco's which sits within the Ebbw Vale South area (Zone 1 of the Study) and a supplementary statement was submitted.

- 5.12 The statement submitted demonstrates that despite the available food retail expenditure decreasing within the area by 2028 (£9.37 million), there is still sufficient capacity to support to the turnover of the proposal (£3.96 million).

	2023	2028
Available Convenience Expenditure in Zone 2 (£m)	21.43	21.16
Turnover of Existing Facilities in Zone 2 (plus Tesco) derived from Zone 2 (£m)	11.43	11.80
Residual Convenience Capacity (£m)	10.00	9.37
Convenience Turnover of Proposal (£m)	3.84	3.96
Capacity Headroom over and above Proposal (£m)	6.16	5.40

Fig 11: Convenience Retail Capacity within Zone 2 (including Tesco, North West Approach), Table 1 of Additional Planning Statement, Quod, January 2024.

- 5.13 Furthermore, the statement identifies that almost half (47%) of food retail (convenience) expenditure in Zone 2 (including Tesco) is directed to facilities elsewhere. It could therefore be argued that by improving the retail offer locally, it could reduce the need for residents to travel further afield.
- 5.14 Of the food retail expenditure that is retained within the locality, the statement identifies that the vast majority is directed to Morrisons. The dominance of Morrisons suggests that there is a lack of consumer choice locally. It could therefore be argued that the proposal would improve consumer choice locally in terms of food (convenience) goods.
- 5.15 In terms of non-food (comparison) goods, members are reminded of the fall-back position that there is an extant permission on the site for a much larger non-food development than what is being proposed under this application. Nevertheless, the applicant has carried out an assessment of quantitative need for comparison retail floorspace for completeness. This follows the same broad approach as that undertaken for the convenience (food) element and is summarised at Table 2 below:

	2023	2028
Available Comparison Expenditure in Zone 2 (£m)	24.58	26.05
Turnover of Existing Facilities in Zone 2 (plus Tesco) derived from Zone 2 (£m)	2.60	2.80
Residual Convenience Capacity (£m)	21.98	23.25
Comparison Turnover of Proposal (£m)	8.96	9.66
Capacity Headroom over and above Proposal (£m)	13.02	13.58

Fig 12: Comparison Retail Capacity within Zone 2 (including Tesco, North West Approach), Table 2 of Additional Planning Statement, Quod, January 2024.

- 5.16 The PRS demonstrates that there is sufficient capacity for additional non-food retail in the local area (in excess of £23 million by 2028) with the proposal accounting for just 40% of the identified capacity in the local area. Having considered the above, it could be argued that there is a 'need' for both additional food (convenience) and non-food (convenience) retail within the local area (Ebbw Vale North, including Tesco).
- 5.17 The Planning Policy team agree with the findings of the PRS as do I. I am therefore satisfied, that the development has adequately demonstrated a quantitative need for both food and non-food retail at the site.
- 5.18 Qualitative Need
Qualitative need identifies if there is a lack of retail quality, range of goods or accessibility.
- 5.19 National policy sets out a number of criteria which should be considered as part of a qualitative assessment and indicates that a combination of these criteria will need to be met in order to justify new retail development.
- 5.20 Qualitative considerations include both positive and negative considerations including, amongst other things:
- the degree to which it supports the objectives of the retail strategy;
 - the accessibility of the site;
 - whether it contributes to a reduction in car journeys;
 - whether it contributes to the co-location of facilities in existing retail and commercial centres;
 - whether it adds to the attractiveness and vibrancy of a centre;
 - whether it addresses locally defined deficiencies in provision in terms of quality and quantity (paragraph 4.3.16, PPW 12).
- 5.21 Members should note that "*Regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms. However, they may be material considerations in making a decision on individual planning applications if the regeneration and job creating benefits can be evidenced*" (Para 4.3.17 of PPW 11).
- 5.22 The proposed development is considered to meet the following criteria:
- The development supports the objectives of the retail strategy or an adopted development plan by the fact that the site is allocated as a retail commitment under Policy R1.1 in the LDP;

- The application site is considered to be accessible by walking, cycling and public transport, given its location on a bus route (A4047) and in close proximity to residential developments at College Road and Blue Lake Close.
- The proposed development would improve the provision of local goods and services, which will reduce the leakage of expenditure from the area and reduce unnecessary trips further afield.

5.23 The Retail Study did not identify any areas of local deficiency or areas where new retail development is necessary to contribute to the vibrancy, attractiveness or viability of any of the centres. However, it does suggest that given the extraordinary events of 2020, a regular review of qualitative needs is undertaken, as retail provision and shopping habits may change significantly within the plan period.

5.24 The applicant's PRS refers to the Retail Study and considers that retail need has been addressed across the County as a whole but not in more localised catchments. The PRS refers to Ebbw Vale North in Zone 2 of the study and includes Tesco's in the Ebbw Vale South area. The PRS concludes that the high market share at Morrisons in Ebbw Vale suggests that there is a lack of food retail choice locally and there is a need to improve retail facilities locally and encourage sustainable shopping patterns.

5.25 Similarly, in terms of non-food retail, the majority (approximately 90%) of locally generated expenditure in Ebbw Vale North (including Tesco's) is directed elsewhere, suggesting there is a greater deficiency in Ebbw Vale North.

5.26 Planning Policy are satisfied with the findings of the revised PRS and I share their view.

5.27 The Sequential Test

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

5.28 The Planning Policy Team have confirmed that they agree there are no sequentially preferable sites available, or other properties capable of conversion within or on the edge of Ebbw Vale (or Brynmawr or Tredegar) to accommodate the proposed total indoor floor space of 2,364sq m (gross), with the largest available unit at The Walk, Ebbw Vale being only 364sq m.

5.29 This is supported by PPW which stipulates that "*some types of retail store, such as those selling bulky goods and requiring large showrooms, may not be*

able to find suitable sites or buildings within existing retail and commercial centres. Where this is the case such stores should in the first instance be located on sites identified for such a purpose in the development plan, preferably on an edge-of-centre site”. Whilst the site is considered to be an ‘out-of-centre’ location, Members are reminded that the site is allocated within the current LDP and has the benefit of an extant permission for retail.

5.30 As such, I am satisfied that the sequential test has been satisfied.

5.31 Retail Impact Assessment

In terms of the impact on the town centres, the table included in the PRS below anticipates the trading effects of the proposal:

Address	Floorspace (square metres)
Ebbw Vale	
Unit 2, The Walk	364
26 Bethcar Street	259
14 Bethcar Street	81
30a Church Street	47
Tredegar	
12-12a Commercial Street	54
Unit 7, Gwent Shopping Centre	60
Unit 9-10, Gwent Shopping Centre	156
Brynmawr	
32a Bailey Street	22

Fig 13: Existing Vacancies / Units being Marketed within Neighbouring Town Centres, PRS, table 5.3, para 5.49.

5.32 The PRS concludes that the levels of impact for any town centre is not likely to undermine the long-term vitality and viability. The greatest impacts are likely to be on Ebbw Vale town centre and Tredegar Town Centre at -1.8% and -1.7% respectively. Planning Policy have confirmed that the health of Ebbw Vale town centre is reasonable, with a 15% vacancy rate (October 2023). It has a reasonable mix of uses with a dominance of A1 uses at 43% with 20% Sui Generis and A2 uses. The health of Tredegar town centre is worse when compared to Ebbw Vale. 20% of units within the town centre are vacant, 38% are A1 and 19% are Sui Generis and A2 uses (October 2023).

5.33 The findings of the Study demonstrates that the centres are dominated by comparison goods retailing and local services. Therefore, these sectors are unlikely to be undermined by allowing food sales at the application site.

5.34 The PRS refers to the fallback position of the extant scheme and shows the table below:

Destination	Impact	
	Extant Scheme	Proposed Development
Ebbw Vale Town Centre	-17.0%	-3.4%
Abertillery District Centre	-5.5%	-0.4%
Brynmawr District Centre	-6.8%	-0.6%
Blaina Local Town Centre	-2.8%	-1.5%
Tredegarr District Centre	-2.8%	-1.9%

Fig 14: Anticipated Trading Effects of the Proposal and Extant Scheme (Convenience & Comparison Foods) (2028) – Main Centres, Table 5.6 of the PRS, para 5.77

5.35 Planning Policy agree that the extant planning permission will have a greater impact on the town centre given it is for greater floorspace comprising of a number of units in varying sizes (across this site and land adjacent to B&M Home Stores) which are likely to be comparable to the town centre units.

5.36 Planning Policy sought further clarification from the applicant in respect of the existing Home Bargains in Ebbw Vale Town Centre and whether it will remain operational alongside this proposal. The PRS states that the retail offer of the two stores fundamentally differs with the town centre store focussed on basket shoppers in contrast to the proposed store which would include a garden centre and aimed at consumers doing a trolley shop. The PRS also confirms that the town centre store is owned freehold with no plans to close the store. Whilst this remains an area of uncertainty, examples have been provided where an out-of-centre and in-centre Home Bargains store remain operational including Bridgend and Llanelli.

5.37 Planning Policy are satisfied with the information provided by the applicant. The quantitative and qualitative need arguments (for convenience and comparison) have been addressed and the requirement to demonstrate this under national policy. This also helps to address the retail impact concerns and in the context of the fallback position the evidence provided within the PRS appears to be proportionate and reasonable. I concur with the views of the Policy team and as such am satisfied that the development accords with TAN 4, PPW 12 and Future Wales.

5.38 **Other Matters**

5.39 **Layout, Scale and Design**

The scale, design and appearance is typical of an out of town retail unit of this size and will not be out of context with the built form in the surrounding area.

- 5.40 The building is orientated so that the entrance to the store fronts the car park to the north-west. Consequently, the rear and south-east side of the building will be visible from the A4047 and the access road. However, the inclusion of feature towers to the rear and south-east side elevations ensures that the building will interact well with the streetscape. Landscaping is also proposed along the A4047 to soften the built form when viewed from this road. The car park is located as such that it doesn't dominate the street frontage.
- 5.41 Whilst I acknowledge that the building will sit forward of the building line of the adjacent Morrisons store and slightly forward of the B & M Home Store, I am of the view that the topography, separation distances and natural screening is such that the proposed building would not appear as an incongruous feature within the streetscene.
- 5.42 Whilst the site is relatively level to the road, the land itself is uneven. Details of site levels and finished floor level have not been provided with the application and as such a condition will be imposed requiring such details prior to development.
- 5.43 Similarly, details of boundary treatments to the garden centre and the wider site are unclear and will therefore need to be secured by a suitably worded condition.
- 5.44 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. As such a Coal Mining Stability and Coal Mining Risk Assessment has been submitted together with a Preliminary Risk Assessment and Ground Assessment.
- 5.45 The submitted Preliminary Risk Assessment recommends that geotechnical ground investigations are undertaken to inform the design and ground solution.
- 5.46 The Coal Authority have raised no objections to the development and the Council's Geotechnical Engineer has confirmed that they agree with the findings and recommendations of the Risk Assessment.
- 5.47 Subject to a condition requiring an intrusive site investigation I am satisfied that the proposal has had due regard to LDP Policy DM1(i).
- 5.48 Ground Contamination

In terms of contamination, the submitted ground assessment and risk assessment confirms that the level of contamination present in the soil is within acceptable thresholds for commercial development and that controlled waters at the site have been assessed as moderate to low risk.

- 5.49 The Risk Assessment does however recommend that further geo-environmental investigations are carried out which should include groundwater samples for potential pollutant linkages, further gas monitoring, and an invasive species survey.
- 5.50 Natural Resources Wales (NRW) have raised no objection to the proposal subject to conditions including a condition in the event of unforeseen contamination and this is echoed by the Council's Environmental Health Officer. NRW have also highlighted that grouting has been undertaken in the wider area and that this may be required on the application site following the outcome of intrusive site investigations.
- 5.51 The Council's Environmental Health Officer has confirmed that they have no objections to the proposal subject to the aforementioned condition and a condition requiring the submission of a revised gas risk assessment and gas protection measures with verification report.
- 5.52 Having considered the above, subject to conditions requiring an intrusive site investigation, including a revised gas risk assessment and gas protection measures, the development has had due regard to ground stability and contamination in compliance with Policy DM1.2(j).
- 5.53 Noise/Dust/Amenity
With regards to construction works, NRW have requested a condition requiring submission of a Construction Environmental Management Plan (CEMP) to protect the River Ebbw from pollution on the basis that the proposal is located within 90m of Rasa Brook which is hydrologically connected to the Ebbw River.
- 5.54 The Environmental Health Officer has also requested submission of a CEMP to include details of noise and dust suppression and construction working hours in the interests of local amenity.
- 5.55 There are no residential properties located adjacent to the site to experience any unacceptable impacts from the development and thus there are no concerns in regard to residential amenity.
- 5.56 Having considered the above, an an appropriately worded condition will be imposed to require the submission of a CEMP.

5.57 Drainage

Since 7th January 2019 any development proposals that have a hard surface area exceeding 100m² require separate SAB approval to deal with surface water drainage. This development exceeds that threshold and accordingly will require approval of Sustainable Drainage Systems (SuDS). An informative note will be added to ensure the developer is aware of their responsibility to obtain the necessary SAB consents to deal with surface water drainage.

5.58 In terms of foul drainage, Welsh Water have confirmed they have no objections to the proposal subject to a condition requiring foul water only to discharge to the public sewerage system and specifying that the discharge shall be made between manhole SO15119205 and SO15119208 (the junction along the A4047). A suitably worded condition would therefore be imposed.

5.59 Highways

The Team Manager Built Environment concurs with the conclusions of the submitted Transport Statement in that the proposed store will not have a material impact upon the safety or operation of the surrounding local highway network.

5.60 Furthermore, the objectives and monitoring proposals of the framework Travel Plan are acceptable to the Highway Authority. However, a condition will be imposed requiring a Final Travel Plan to be submitted confirming details of the proposed Travel Plan Coordinator.

5.61 Revised plans indicate that the cycle, car parking and delivery servicing areas are acceptable, including provision for 10% Electrical vehicle parking spaces (14 of the 135 spaces) to accord with PPW 12. A condition will be imposed to ensure the aforementioned highway works are fully completed prior to beneficial use.

5.62 An informative note will also be added to advise the developer to obtain the necessary separate design approval/consents from the Highway Authority in relation to highway junction accommodation works.

5.63 Landscape & Trees

A detailed landscaping scheme has been submitted with the application, which is supplemented by a Tree Survey, Ecological Assessment, Planning Statement and Green Infrastructure Statement.

5.64 Welsh Government requires new development to provide not only ecological mitigation but also enhancement (Chapter 6 PPW12).

- 5.65 The submitted tree survey identified 20 groups of trees of which 3 groups were identified as category B2 'trees of moderate quality' and the remaining as category C2 'trees of low or poor quality'. Five of the groups and two partial groups, equating to a total of 35 trees, are required to be removed to facilitate the development (13 groups of trees will be retained). The trees being removed are all low category/poor quality trees comprising largely Goat Willow and Alder. National policy now requires replacement planting at a ratio of 3 trees per 1 lost. The replacement planting should be of an equivalent quality, environmental and ecological importance of those lost. The landscape proposal includes provision for the replanting of 19 trees and 105m length of native hedge planting comprising trees and shrubs planted at 5 plants per metre, equating to 750 plants. I am of the opinion that the trees and hedgerow species proposed will provide far greater biodiversity net gains when compared to the poor-quality trees being lost. Furthermore, it is likely that additional biodiversity enhancements will be required as part of any future SAB application to deal with surface water drainage.
- 5.66 The Landscape Officer has confirmed that the landscaping design creates connectivity with the adjacent SINC by creating a wildlife corridor by retaining existing trees, planting a native hedgerow together with additional specimen tree planting. Furthermore, the hedgerow and specimen trees will not only mitigate for any canopy loss but will increase tree canopy cover of the site. The Landscape Officer has however requested a condition requiring the submitted maintenance programme to cover a period for a minimum of 5 years. A suitably worded condition can be added in this regard.
- 5.67 Ecology
The Council's Ecology Officer has confirmed that the Ecological Assessment and Landscape plans clearly demonstrate biodiversity mitigation and enhancements. However, additional measures should be proposed to compensate for the permanent habitat being lost to the proposed footprint of the building. Further details and a management plan are required to positively manage the grassland for wildlife to ensure diversity of species is maintained. Long-term management of the woodland is also required to ensure ecosystem resilience and to enhance ecological connectivity of the site. This could be demonstrated through a Landscape and Ecological Management Plan (LEMP) and as such a suitably worded condition will be imposed.
- 5.68 Whilst there are no opportunities within the site for roosting bats, on-site vegetation and neighbouring woodland areas provide 'low-moderate' suitability for foraging and commuting bats within the wider landscape. Mitigation is therefore proposed in the form of a sensitive lighting scheme to

ensure any potential significant effects are avoided. Enhancements will also be provided in the form of bat boxes within the development. Details of a lighting scheme have not been provided and will therefore be required by condition.

- 5.69 Invasive species are considered to be present within small areas of the site and will need to be disposed of appropriately using specialist contractors. An informative note will be added to advise the developer of their responsibilities in this regard.
- 5.70 As the application site is located adjacent to Sites of Importance for Nature Conservation (SINCs) at Rhyd-Y-Blew and Bryn Serth, the Ecology Officer has requested a CEMP be submitted in respect of pollution control and dust to minimise any indirect risk to the SINC.
- 5.71 Provided the mitigation and enhancements outlined within the report are successfully implemented, and subject the aforementioned conditions being imposed, there should be no long-term negative impacts to key protected species and net biodiversity will be secured.
- 5.72 As such, I am satisfied that due consideration has been given to the requirements of national policy.

DM4 Low and Zero Carbon Energy

- 5.73 The Council encourages 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.
- 5.74 This proposal will have a floor space that will exceed 1000sqm. Accordingly, an energy statement has been submitted with the application contained within the Planning Statement and revised plans illustrate that solar photovoltaic panels will be included to the south-east roof plane which is positive and acceptable. Building Regulations legislation will also seek to reduce carbon emissions through build design.
- 5.75 Conclusion
The proposed development is considered acceptable in land use terms. The retail need has been assessed against national policy to demonstrate that the

proposal will not have an unacceptable impact upon the vitality and viability of the town centre, particularly when taking into account the fallback position of a larger-scale A1 non-food development having the benefit of an extant permission on the site. The development therefore accords with national policy contained with Future Wales 2040, PPW12 and TAN4.

- 5.76 Furthermore, the proposal would not have an unacceptable impact on the character, appearance or amenity of surrounding area and wider landscape, or the safe, effective and efficient use of the highway network in accordance with LDP Policies.

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 acceptable subject to conditions and complies with relevant policies contained within the LDP.
- 7.2 I therefore recommend planning permission be **GRANTED** subject to the following condition(s):
1. Standard Time Limit
 2. Approved Plans and Documents list
 3. Surface Water Drainage not approved
 4. Foul drainage details to be submitted
 5. Request submission of an Intrusive Site Investigation (Geo-technical)
 6. Request submission of Intrusive Site Investigation Geo-environmental
 7. Unforeseen contamination and submission of validation report to confirm all remedial works have been implemented
 8. Request details of existing and proposed site levels

9. Submission of Construction Environmental Management Plan (CEMP), including working hours
10. Requiring full details/samples of external finishes
11. Request full details of boundary treatments to garden centre and wider site.
12. Notwithstanding the Landscape plan, submission of a LEMP
13. Any approved LEMP to be implemented within first planting season and maintained for a minimum period of 5 years
14. Request Lighting strategy (ecology)
15. Highways – Access roads, car & cycle parking and servicing areas to be fully constructed prior to beneficial use of the store.
16. Final Travel Plan to be submitted including details and provision of Travel Plan Coordinator.
17. Foul water only to discharge to the public sewerage system
18. Condition limiting the amount of food and drink goods allowed to be sold from the store i.e. 30% net sales area.
19. No Mezzanine floors to be provided
20. No sub-division of the unit

Informative Notes:

1. Requirement for developer to give LPA notification of commencement and display site notice (Major Development requirement)
2. SAB and Ordinary Watercourse consent.
3. Welsh Water standard advice notes
4. Applicant advised to contact Highway Authority to obtain consent to undertake the necessary highway junction accommodation works.
5. NRW notes to applicant – Environmental Permits may be required
6. Standard ecology advice
7. Fire Authority standard advice
8. In satisfying condition 4 (Intrusive SI) details of grouting where necessary shall be submitted.

8.0 Risk Implications

8.1 None