

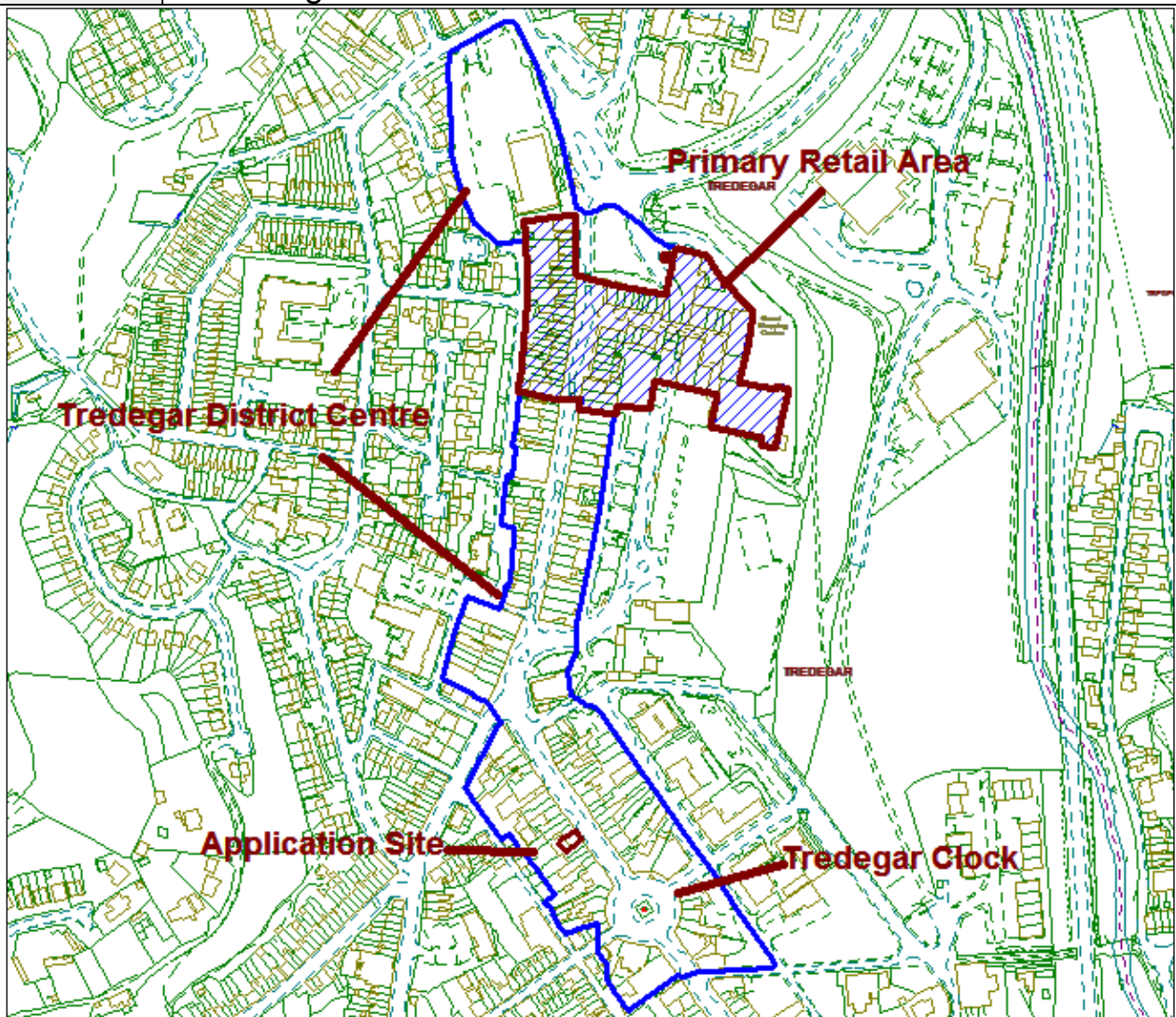
BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning, Regulatory and General Licensing
Report Subject	Planning Applications Report
Report Author	Team Manager Development Management
Report Date	2nd December 2019
Directorate	Regeneration & Community Services
Date of meeting	13th December 2019

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/2019/0269	10 Castle Street, Tredegar, NP22 3DE
C/2019/0296	38 Commercial Street, Tredegar
C/2019/0054	Land off southern end of Lime Avenue (opposite Aneurin Bevan Hospital) Ebbw Vale NP23 6GL
3. Recommendation/s for Consideration	
Please refer to individual reports	

Planning Report

Application No: C/2019/0269	App Type: FULL
Applicant: Mrs Ellie Morgan 117 Vale Terrace Tredegar	Agent: Plans Drawn Mr Anthony Collins 21 Park Place Pontmorials CF47 0DJ
Site Address: 10 Castle Street Tredegar NP22 3DE	
Development: Change of use from former butchers to bar and restaurant with internal adaptations and 3 no. external lights.	
Case Officer: Jane Engel	



1. Background, Development and Site Context

- 1.1 This application seeks planning permission for the change of use of 10 Castle Street, Tredegar to a restaurant/bar with external lighting.
- 1.2 The application site is at ground floor level with a storage area in the basement. The first and second floors accommodate two flats. It is located in the District Town Centre of Tredegar (but outside the primary retail area and within the Tredegar Conservation Area as defined in the Blaenau Gwent Local Development Plan (LDP). The adjacent property to the north is a hairdressers and to the south is a café.
- 1.3 The proposed ground floor area will largely be taken up with the restaurant/bar area with a serving counter. A kitchen, storage area, unisex toilet and disabled toilet will be located to the rear of the premises. Whilst I have not personally been inside the building I understand from colleagues in Building Control that the majority of the internal works have been carried out. The proposed plans also show 3 angle lights over the fascia on the front of the building. These have also been installed since the current application was submitted.

2. Site History

	Ref No	Details	Decision
2.1	3292	Conversion of shop to Indian & continental hot food takeaway	Approved 13.1.83
2.2	4209	Change of use of shop to amusement and gambling centre	Approved 13.1.83
2.3	5014	Change of use to hairdressing salon from use as amusement arcade	Approved 23.3.84
2.4	C/2016/0357	Installation of new shopfront and security gates	Approved 26.1.17

3. Consultation and Other Relevant Information

- 3.1 **Internal BG Responses**
Team Leader Building Control:
 Building Regulations required
- Service Manager Infrastructure:
 Highways: No objections
- Service Manager Public Protection:
 No objections

3.2

External Consultation Responses

Town / Community Council:

Have raised concern regarding the following issues:

- a lack of soundproofing to the roof or ceilings and lack of double glazing;
- lack of disabled access and toilet
- no fire escape to the rear of the building

They indicated that information in such regard should be obtained before they could comment further.

They further advised however that one Member had noted that '*Tredegar was becoming very attractive for venues to eat and drink and the proposal as outlined seemed positive to increase that portfolio within the town centre*'.

Welsh Water

No objections

3.3

Public Consultation:

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- 7 letters to nearby properties
- site notice(s)
- press notice
- website public register of applications
- ward Members by letter
- all Members via weekly list of applications received

Response:

Five letters of objection have been received one of which is unsigned but purports to be from "disgruntled residents". The matters raised in correspondence can be summarised as follows:

- Works have already started to convert the shop
- Premises is advertised on facebook with opening dates
- There is only one toilet
- No disabled toilet
- No emergency and fire door
- No extractor fan
- No sound proofing
- No parking for beer dray

- Other similar properties in the vicinity
- Concerns over late night noise from the premises affecting occupiers of flats
- No parking
- There are already a number of Bars in the area and the proposal would result in more people spilling out onto the street at closing time

An e-mail has been received on behalf of 6 Tredegar Members (2 of which are members of the Planning Committee) objecting to the proposal on the grounds of:

- Noise Nuisance
- Parking
- Public order/anti-social behaviour

One further email was received from one of the Members clarifying his objection to the proposal:

- I am led to believe that it is a single glassed front also there is no noise insulation in the ceilings.
- Anti-social behaviour – in the proximity of the area I believe that there are at least 15 licenced premises, and we all know that police resources are stretched and in fact there is very little police presence in the town centre at night at present.

4. Planning Policy

4.1 Team Manager Development Plans:
Planning Policy object to the proposal on the grounds that approval of this application would increase the percentage of A3 premises within the town centre (but outside retail core) to 25.5% which is above the 25% threshold allowed by the SPG.

4.2 LDP Policies:
DM1 New development
DM5 Principal and District Town Centre Management
Supplementary Planning Guidance Hot Food and Drink Uses

5. Planning Assessment

- 5.1 This application relates to a vacant property located within the Tredegar District Town Centre but outside the Primary Retail Area. The application which seeks permission to use the premises as a restaurant/bar use falls to be considered against Policy DM5 of the LDP and the further advice contained in the Council's Hot Food and Drink Uses Supplementary Planning Guidance (SPG).
- 5.2 Policy DM5 of the LDP (which applies to the Principal Town of Ebbw Vale and the District Town Centres of Brynmawr, Tredegar and Abertillery) seeks to manage the uses of ground floor premises within defined town centres and primary retail areas. Of the four criterion that are listed under this policy only one is of direct relevance to this proposal i.e. criterion 'c' which states that 'A3 uses will not be permitted where they harm the vitality, viability and retail mix of the area as a result of a proliferation of this type of use'.
- 5.3 The explanatory text to policy DM5 explains how the number and concentration of food and drink establishments should not dominate the town centre and therefore detract from the overall character and function of the centres. It also explained how the Hot food Takeaways and Public Houses Supplementary Guidance would be updated to provide further guidance in support of the policy.
- 5.4 The Council adopted a Hot Food and Drink Uses in Town Centres SPG in October 2014. This seeks to expand and further explain those issues covered by the Policy and what criteria would be used to assess the acceptability (or otherwise) of relevant proposals. Paragraph 5.4 of the SPG gives more specific guidance on how such assessments should be made.
- 5.5 The SPG advises that in order to minimise the impact or vitality and viability (of town centres) hot food and drink A3 uses should be directed outside the primary retail areas and concentrations or clusters of such uses should be avoided as they often have an adverse effect on the character of the area.
- 5.6 The two guidelines advocated in the SPG as a mechanism to assess whether proposals are acceptable in this regard are the numbers of such units (as a percentage) and the clustering of A3 uses.
- 5.7 The SPG recommends that outside the Primary Retail Area :-
- Guideline 1 - the number of A3 uses (including vacant buildings with former A3 use) should be no greater than 25% of the total number of

	<p>retail units/buildings outside the Primary Retail Area; and</p> <ul style="list-style-type: none">• <u>Guideline 3</u> - no more than two A3 uses should be adjacent to each other in the Principal, District and Local Town Centres (*adjacent is clarified as properties being next door to each other).
5.8	<p>The Team Manager Development Plans has <u>objected</u> to the proposal on the grounds that approval of this application would be contrary to policy as it would increase the percentage of A3 premises within the town centre (but outside the primary retail area) to 25.5% which is 0.5% above the 25% threshold (Guideline 1) indicated in the adopted SPG.</p>
5.9	<p>Members are advised that this view has been reached on the basis of the results of a Town Centre survey undertaken in September 2019 by the Development Plans Team (as part of a routine annual monitoring survey of ground floor uses of units within town centres).</p>
5.10	<p>Notably detailed examination of the survey has highlighted that one of the A3 units included within 'current' number of A3 uses is one that is currently being investigated by this department as being potentially an unauthorised use. I have discussed this with the Team Manager Development Plans who has confirmed that the survey is a "live survey" which records what uses were operating on the day the survey is undertaken rather than being based upon what uses might be lawful at the time of the survey. This is the basis on which such surveys have consistently undertaken and upon which advice on related planning applications have been previously based.</p>
5.11	<p>Members will appreciate on the basis of the above that as the extent to which the current proposal would exceed the SPG threshold is low (0.5%), if the identified unauthorised unit (included in the current A3 survey results) was excluded from the survey results, the current proposal would fall <u>within</u> the threshold limits advised in the guidance and the policy objection based on Guideline 1 would fall away.</p>
5.12	<p>It must be acknowledged in such circumstances that the decision as to whether this proposal is acceptable in policy terms is therefore very finely balanced.</p>
5.13	<p>I am obviously minded of the concerns that the Town Council, the Borough Members who have submitted representations and other third parties have raised in relation to the proposal. Of those listed the most significant in my opinion (in terms of planning relevance) are those which indirectly refer to clustering and concentration of A3 units in the immediate vicinity of the</p>

	<p>application property. However whilst acknowledging that approval of the current application would result in an increased number of A3 uses along this section of street frontage, the recent survey has established that adjacent to 10 Castle Street is one A3 use (8/9 Castle St) and one A1 use (11 Castle Street). In such circumstances the use of the application premises for an A3 would not contravene the wording contained in the adopted SPG – which states that <i>'no more than two A3 uses should be adjacent to each other'</i></p>
5.14	<p>On this basis I feel it would be difficult to defend at appeal any decision to refuse the current application on the grounds of concentration and clustering. (Guideline 3). The Team Manager Development Plans response supports that position in that she does not object to the development on such basis.</p>
5.15	<p>In terms of the other matters raised by objectors I have listed and responded to them briefly below :</p>
5.16	<p><u>Internal works commenced/opening date advertised</u> Any works which the applicant may have undertaken at the property prior to gaining relevant permissions would have been undertaken at their own risk.</p>
5.17	<p><u>Lack of parking</u> The site is in the Town Centre and the Highway Authority has raised no objections in this regard.</p>
5.18	<p><u>Lack of sound insulation</u> Environmental Health have confirmed that they have no objections to the proposal and have not requested that any conditions are imposed that would require the provision of sound insulation. The flat at first floor, immediately above the proposed restaurant/bar would not have required planning permission as such development would be permitted development. Any requirement for sound insulation relative to its use as a flat may however have been covered by Building Control. Similar circumstances are likely to apply to other first floor flats over shops in the immediate vicinity. Whilst a development of this nature which might extend into the evenings may cause a level of noise disturbance in the area it must be accepted that the site is located within a town centre where the level of amenity that occupiers of any residential units might reasonably expect to enjoy will inevitably be less than those that occupiers might expect in a predominantly residential area.</p>
5.19	<p>Notably, there are other controls e.g. licensing and environmental health, that can regulate and control noise issues if problems arise in relation to the future use of the premises.</p>

5.20	<p><u>Lack of fire doors</u> These matters are covered by Building Regulations and I understand that an application has been submitted to Building Control.</p>
5.21	<p><u>Lack of toilets/disabled toilets</u> The plans indicate toilet facilities at ground floor. However their suitability would be covered by Building Regulations.</p>
5.22	<p><u>Hours of opening</u> These are covered by the Council in its role as the Licensing Authority. It is the long established practice of the Planning authority not to control the hours of operation of A3 premises under planning.</p>
5.23	<p><u>Anti-social behavior</u> The police receive a copy of the Weekly Planning List and have not raised any concerns in relation to the proposal. The Licensing Authority also considers such matters when determining whether a license should be granted.</p>
5.24	<p>Finally, the planning application also relates to the provision of 3 angled lights on the frontage of the building. above the fascia. Having regard to the position of the property within the Tredegar Conservation Area such changes fall to be considered against the Conservation Area Appraisal and Design Guide SPG. The SPG advises that "swan neck" lights can be visually intrusive, particularly on listed buildings, and should be avoided. It is noted however that this is not a listed building and whilst limited details of the light had been submitted as part of the application a site visit has confirmed that the lights already in place are of a modest scale and have minimal impact on the street scene. I am satisfied on such basis that that their installation in this location preserves and enhances the Conservation Area rather than detracts from it and can therefore be supported.</p>

6. Legislative Obligations

6.1	<p>The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.</p>
6.2	<p>The Council also has obligations under other legislation including (but not</p>

limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.

7. Conclusion and Recommendation

- 7.1 This application relates to the conversion of a vacant shop in the town centre of Tredegar to an A3 (bar and restaurant) use. Based on recent survey information I am advised that such development would be contrary to adopted plan policies and guidance in that approval of such an use in this location would take the percentage of A3 units within the town centre (excluding the primary retail area) beyond the 25% threshold which has deemed to be acceptable in the adopted SPG. It could be argued on such basis that approval of this application has the potential to adversely affect the character of the area and adversely affect the vitality and viability of the town centre.
- 7.2 Notably I consider it appropriate for Members to determine for themselves what weight should be afforded to the fact that the advice of the Team Manger Development Plans is based on their recent survey and that they have included within the current A3 figures one unit which does not appear to be authorised. In making this judgement careful consideration needs to be given to what precedent might be set in relation to future applications for A3 uses in the Tredegar Town Centre Area and whether the decision made on this application is consistent with other decisions that have been made by the Authority in relation to A3 uses outside (and inside) the town centre in recent years.
- 7.3 Conversely it must be recognised that one strategic policy in the LDP – Policy SP3 (criterion 2a) supports the redevelopment and refurbishment of shops, offices and other commercial premises in order to improve the vitality and viability of the town centres. Planning Policy Wales Edition 10 (para 4.4.36) also clearly recognizes the need for planning authorities “to assess retail and commercial centre performance and the effectiveness of development plan policies by monitoring their health” and “to consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels”. Based on the fact that the recent LDP Annual Monitoring Report revealed that the overall vacancy rate of the district centre of Tredegar in 2019 was found to be 20% Members may feel that the benefits of seeing another property brought back into use might justify supporting the current proposal. The fact that the vacancy rate for the town centre of Tredegar overall is significantly higher than other District Centres (excluding Blaina) and the fact that the applicant has committed to investing significantly

(at her own risk) in bringing the property back into beneficial use may add weight to such an argument. Survey records made by planning policy indicate that the application premises have been vacant since circa 2009.

7.4 In summary, I am of the view that this is a very finely balanced case. However having regard to the issues covered in this report, the potential economic activity benefits that might accrue from the development and the potentially challengeable basis upon which the small exceedance over the 25% threshold for A3 uses in the town centre (outside the primary retail area) has been established, I consider it may be difficult to justify the refusal of the current application and defend such decision at appeal. In conclusion I recommend approval of the application subject to conditions.

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

1. The development shall be completed in full accordance with the following approved plans and documents:

- Proposed plan received 30th October 2019
- Site location plan received 1st October 2019

Reason: To clearly define the scope of this permission.

2. No sound amplifying equipment which is audible outside the premises shall be used in association with the approved use.

Reason: To safeguard the amenities of occupiers and the users of nearby properties.

3. Use of the premises shall be restricted to uses falling within Class A3 of the Schedule to the Town & Country Planning (Use Classes) Order 1987.

Reason: To define the scope of this permission.

4. Within one month of the date of this permission the applicants shall provide scaled drawing of the external lights as installed on the frontage of the building for the approval of the Local Planning Authority. The lighting fixtures to be retained at the property shall be of the scale and design approved.

Reason : To clearly define the scale and design of the lighting for which

	planning permission is to be granted. 5. Standard time condition.
8. Risk Implications	
8.1	None

1. Background, Development and Site Context

1.1 This application seeks planning permission for the change of use of the ground floor of the 38 Commercial Street, Tredegar from a shop (A1 use) to a café (A3 use), replacement shop front and roller shutter and windows to the upper floors. The property is located within the Primary Retail area of the Tredegar District Centre. The premises is currently vacant but was formerly occupied by a butchers.

The existing shop front and windows will be replaced with hardwood and replacement roller shutters will be provided behind the fascia.

2. Site History

No relevant planning history

3. Consultation and Other Relevant Information

3.1 Internal BG Responses

Team Leader Building Control:
Building Regulations Required

Service Manager Infrastructure:

Highways:
No objections

External Consultation Responses

Town / Community Council:
No objections

Welsh Water:
No objections

Public Consultation:

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- 5 letters to nearby properties
- site notice(s)
- ~~press notice~~
- website public register of applications
- ward members by letter
- all members via weekly list of applications received
- ~~other~~

Response:
No responses received

4. Planning Policy

4.1 Team Manager Development Plans:

In order to maintain a high proportion of A1 uses in the Primary Retail Area, Policy DM5 criterion (a) restricts changes of use within the primary retail area of district town centres, such as Tredegar, to A1 uses only. Therefore the change of use of this proposal to A3 would conflict with the requirements of policy DM5, and accordingly an objection is raised to this proposal. It is also worth noting that the current use class attached to 38 Commercial Street is A1 therefore the proposal would result in the loss of an A1 use.

Notwithstanding this, PPW paragraph 4.4.36 states that *“planning authorities should assess retail and commercial centre performance and the effectiveness of development plan policies by monitoring their health. They should use the strategy in their development plan to manage change and take action where necessary to address this. Where economic decline is impacting on a retail and commercial centre, emphasis on retaining A1 uses in premises either in primary or secondary areas, which have been vacant for a period of time, may undermine a centre’s viability and vitality. In such circumstances planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels.”*

The Blaenau Gwent Annual Monitoring Report (AMR) monitors the percentage of A1 uses in the primary retail area. The 2019 AMR shows that the percentage of A1 uses in the primary retail area declined by 17% between 2009 and 2019, and the primary retail area’s vacancy rate in 2019 was higher (30%) than that of the district town centre as a whole (21%). It is also worth noting that the primary retail area vacancy rate for Tredegar is significantly higher (nearly double) when compared to the other town centres. It is also worth noting that the percentage of A3 uses in Tredegar town centre as a whole is 16% and within the primary retail area is 4%. The case officer could therefore give due consideration to this evidence as a material planning consideration.

LDP Policies:

- | | |
|-----|---|
| SP3 | The Retail Hierarchy and Vitality and Viability of the Town Centres |
| DM1 | New Development |
| DM2 | Design and Placemaking |
| DM5 | Principal and District Town Centre Management |

	<p><u>PPW & TANs:</u></p> <ul style="list-style-type: none">• Shopfronts and Advertisements (November 2015)• Hot Food and Drink Uses in Town Centres (October 2014)• Access, Car Parking and Design (March 2014)
5. Planning Assessment	
5.1	<p>The site lies within the Tredegar District Town Centre and within the Primary Retail Area as defined by policy DM5 of the Council's adopted Local Development Plan. Criterion (i) of Policy DM5 restricts uses within the primary retail area to A1 (retail uses). The proposed use is therefore contrary to policy.</p>
5.2	<p>However in assessing this application regard should also be given to National Planning Policy. As advised by the Team Manager Development Plans Paragraph 4.4.36 of Planning Policy Wales (PPW) Edition 10 (December 2018) states that <i>"planning authorities should assess retail and commercial centre performance and the effectiveness of development plan policies by monitoring their health."</i></p>
5.3	<p>It further states <i>"that where economic decline is impacting on a retail and commercial centre, emphasising on retaining A1 uses in premises whether in primary or secondary areas, which have been vacant for a period of time, may undermine a centre's viability and vitality. In such circumstances planning authorities should consider how non A1 uses may play a greater role in increasing diversity and reducing vacancy levels."</i></p>
5.4	<p>The purpose of LDP policy DM5 is to protect the retail core of the main town centres and oppose development which may harm or undermine this function. However, whilst supporting this principle, PPW advises that consideration be given to the impact of such a policy, taking into account the situation on the ground. The Blaenau Gwent Annual Monitoring Report (AMR) which monitors the percentage of A1 uses in the primary areas identifies that the percentage of A1 uses within the primary retail area has declined by 17% between 2009 and 2019 and currently has a vacancy rate of 30% which is nearly double that of the Borough's other town centres. It is further noted that there has been a notable increase of 11% in the number of the vacant properties in the primary retail area since 2014.</p>
5.5	<p>I note that this premises has only recently become vacant as the Council's Town Centre 2019 survey which was carried out in October identified that this property was operating as a butchers. At the time the application was made in November the premises was vacant.</p>

5.6	Given the evidence of the AMR and the Town Centre Surveys it is clear that Tredegar Shopping Centre is in decline. The number of vacant units is increasing within the Primary Retail Area and the refusal of this application would add to this number.
5.7	This leaves the Planning Authority in a position of having to decide whether to refuse the current application on the basis of an LDP policy (DM5(i)) or adopting a more pragmatic approach and taking on board the advice contained in national planning policy (PPW Para 4.4.3) which suggests that authorities can exercise a degree of flexibility by giving weight to considerations such as high vacancy rates which have been made evident in recent town centre survey work.
5.8	Members will appreciate however that if they opt for the latter approach i.e. support approval of the current application, they could be seen as setting aside the adopted LDP policy/SPG on Hot food and Drink Uses in Town Centres as it applies to the Tredegar Primary Retail Area and setting a precedent with regard to the determination of further applications for such uses in the future, notably until the end of 2021 or until future planning policies in relation to such development is further considered and adopted as part of the Revised Blaenau Gwent Development Plan. If Members support approval of this application they also need to be mindful that this application relates to a property that has only been vacant for a relatively short period hence arguments regarding longstanding vacancy of the property would not apply. Support for the development would therefore have to be based on the high vacancy rates for the Primary Retail area as a whole.
5.9	Members will note that the current application also proposes a new shop front, roller shutters and hardwood replacement windows at first floor. Such works are compliant with the requirements of the Councils adopted SPG for shopfronts and Advertisements. I am satisfied on such basis that these works can be approved and are actually welcomed in that they will potentially enhance the appearance of the property and the visual attractiveness this part of the town centre.

6. Legislative Obligations

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

7.1	<p>This planning application seeks to change the use of a recently vacated property in the Primary Retail Centre of Tredegar to an A3 use. Such development runs contrary to adopted development plan policy and should accordingly be refused unless there are other material planning considerations that might justify approval of the application.</p>
7.2	<p>However national planning policy as contained in PPW does require planning authorities to “<i>assess retail and commercial centre performance and the effectiveness of development plan policies by monitoring their health.</i>” Recent survey work in Tredegar has clearly demonstrated that the vacancy rate in the Primary Retail area is significantly higher than in other retail areas (30%) and that the current percentage of A3 uses in the Tredegar Primary Retail Area is very low (4%) compared to that in other Primary and District Centre Primary Retail Areas.</p>
7.3	<p>Whilst this case (for the reasons explained in my report) is a very finely balanced case I am of the opinion that the circumstances confirmed by the recent survey – high vacancy rate and low levels of existing A3 uses – does justify deviating from adopted development plan policy and approving the current application. I accordingly recommend approval of the application subject to conditions.</p>
7.4	<p>Planning permission be GRANTED subject to the following condition(s):</p> <ol style="list-style-type: none">1. The development shall be completed in full accordance with the following approved plans and documents<ul style="list-style-type: none">▪ Drawing Ref. 19/AB/100/A Proposed ground floor plan and front elevation Received 7th November 2019▪ Site location Plan Received 16th October 2019Reason: To clearly define the scope of this permission.2. 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.
8. Risk Implications	
8.1	None

Application No: C/2019/0054	App Type: FUL
Applicant: Mr Jim Allen BGCBC Municipal Offices Civic Centre Ebbw Vale NP23 6XB	Agent: Mr Paulo Santos BGCBC Municipal Offices Civic Centre Ebbw Vale NP23 6XB
Site Address: Land off southern end of Lime Avenue (opposite Aneurin Bevan Hospital) Ebbw Vale NP23 6GL	
Development: Construction of 6 buildings to provide 25 employment units for B1 and B2 uses, new access road and junctions off Lime Avenue, and associated parking and other infrastructure	
Case Officer:	Justin Waite



1. Background, Development and Site Context

1.1 Planning permission is sought for the construction of 6 employment buildings, a new access road and junction off Lime Avenue and associated car parking areas and ancillary infrastructure. The buildings would provide 25 individual employment units with a combined floor area of 4,260 square metres, and would be used for B1 (research and development or light industrial) or B2 (general industrial) employment uses. The overall size and number of units within each building is as follows:

Building	Size (square metres)	No. of Unts
Building 1	310	5
Building 2	778	8
Building 3	604	4
Building 4	596	2
Building 5	985	2
Building 6	987	4
Total	4260	25

1.2 Two building types are proposed which have simple rectangular forms, with either a mono-pitch roof sloping from the front to the back of the building (buildings 1-3) or a pitched roof enclosed by a parapet (buildings 4-6). The buildings would be clad predominantly in blue/grey brick slips which are interrupted by oblong blocks, a mix of fenestrations, doors, aluminium louvres and signage zones. These horizontal delineations help break up the long form of the buildings and the orange powder coated aluminium structural profile adds further visual interest to the buildings. The proposed roofs would also incorporate roof glazing that would allow high levels of light diffusion within the buildings, which primarily provide workspace, offices and ancillary facilities.

1.3 Proposed buildings 1-4 are located on the northern part of the application site, while buildings 5-6 are located on the southern part of the site, which is at a lower land level (see Figure 1 below).



Figure 1 – Site Layout

1.4 The approximate dimensions of the proposed buildings is as follows:

Building	Height (maximum/metres)	Width (metres)	Depth (metres)
Building 1	6.3	35.4	9
Building 2	6.5	61.2	12.9
Building 3	6.5	53.3	11.5
Building 4	7.5	41.9	14.2
Building 5	7.5	62.7	15.7
Building 6	7.5	66.1	14.8

1.5 The proposed development would involve the creation of two new vehicular accesses off Lime Avenue into the site and the provision of 79 car parking spaces, including 15 disabled spaces. Electric vehicle charging points for up to 8 cars and cycle and bin stores are also proposed throughout the site. Associated highway works along Lime avenue are also shown on the proposed site layout plan, which include the installation of new footpaths and the relocation of an existing traffic calming table.

1.6	<p>The application site relates to an irregular parcel of reclaimed brownfield land that has regenerated to some degree with grassland and scrub. The site measures approximately 1.78 hectares and is broadly split into two development plateaus to the north and south with a south sloping bank roughly in the middle. The land also slopes down towards a ditch and footpath along the eastern boundary.</p>
1.7	<p>Lime Avenue adjoins the north western boundary of the application site and the Aneurin Bevan Hospital lies just beyond. A public footpath runs along the eastern, southern and southwestern boundaries of the site and there is also a body of water just beyond the footpath to the southwest. The central valley wetland park, which is a candidate local nature reserve, also lies just beyond the footpath to the south and east of the site. The northern boundary of the site adjoins an undeveloped area of reclaimed land, which is allocated for mixed use development, including housing.</p>
1.8	<p>In the wider context the application site is visible from the surrounding valley sides. As a consequence, the proposed employment buildings would occupy a visually prominent position within the wider landscape.</p>
1.9	<p>It should be noted that the proposed employment development has been revised during the planning application process, due to the need to reduce the visual impact on the street scene of Lime Avenue. Additional ground investigation works also had to be undertaken in order to address concerns raised by the Coal Authority in relation to a recorded mine entry on the eastern boundary of the site. This has resulted in a delay in the planning application being brought before Planning Committee.</p>
1.10	<p>In addition to the site layout and building floor and elevation plans, the applicant has submitted supporting information which includes a Design and Access Statement, a Preliminary Ecological Appraisal, a Travel Plan, a Flood Consequence Assessment, a Geotechnical and Geo-environmental Site Investigation Report, a Ground Investigation Report and Coal Mining Risk Assessment, a Terra Firma letter dated 20th December 2013 relating to Proof Drilling for Shallow Mine Workings and a Low and Zero Carbon Technologies Feasibility Study.</p>
1.11	<p>The applicant also undertook pre-application consultation prior to the submission of the planning application, which included publicising a draft of the proposed development and consultation with the community and specialist consultees, including ward members. A related Pre-application Consultation Report has been submitted with the planning application.</p>

1.12	The Local Planning Authority has adopted a screening opinion on the proposed employment development, indicating that whilst the proposal is considered to fall within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, it is unlikely to result in significant environmental impacts. As such, an Environmental Impact Assessment has not been requested as part of the planning application.
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2. Site History

	Ref No	Details	Decision
2.1	C/2014/0074	Outline planning for industrial units	Approved 03/07/2014
2.2	C/2010/0101	Vary and remove conditions relating to planning permission C/2007/0125	Approved 17/06/2010
2.3	C/2009/0236	Variation of conditions 1 and 3 relating to planning permission C/2007/0125	Approved 03/09/2009
2.4	C/2008/0494	Variation of condition 3 of planning permission C/2005/0453 to allow access/egress to and from the site for the purposes of phase 1 regeneration works	Approved 17/02/2009
2.5	C/2007/0169	Ground stabilisation of potential shallow abandoned mine working by drilling and grouting techniques to create development platform	Approved 20/07/2007
2.6	C/2007/0125	Outline for a mixed use development comprising residential, hospital, learning campus, employment uses, theatre, leisure centre, primary school, landscaping works and railway terminus	Approved 20/07/2007
2.7	C/2005/0453	Phase 1 regeneration of the site comprising of remediation works, earthworks, drainage and landscaping	Approved 07/11/2005
2.8	C/2005/0370	Phase 1 regeneration of the site comprising of remediation works, earthworks, drainage and landscaping	10/10/2005

3. Consultation and Other Relevant Information

3.1	<u>Internal BG Responses</u>
3.2	<u>Team Leader Building Control:</u>
3.3	Building regulations are required.

3.4	<u>Service Manager Infrastructure:</u>
3.5	Highways:
3.6	<p>The Team Manager – Built Infrastructure has raised no objection to the proposed development which is considered to comply with LDP Policy DM1 (criterion 3a, b, c and d). The following highway observations have also been identified:</p> <ul style="list-style-type: none">• Details of proposed longitudinal cross-sections of the access roads indicating proposed road gradients and retaining structures are to be submitted and approved via condition.• A minimum 10% of car parking spaces are to have electric vehicle charging points with details to be submitted and approved via condition.• The proposed cycle, car parking and turning areas are acceptable and must be fully constructed prior to the units being brought into beneficial use, and retained thereafter.• Details of the proposed highway junctions and works to relocate the existing traffic calming features are to be submitted and approved via condition.
3.7	Drainage:
3.8	<p>The Drainage Engineer has confirmed that as the planning application was received after 7th January 2019 and as the proposed development is over 100 square metres in floor area, a separate consent for surface water drainage will be required from the Sustainable Drainage Systems (SuDS) Approval Body (SAB).</p>
3.9	Ground Stability:
3.10	<p>The Council’s Engineer has raised no objection to the proposed development but highlights the recommendations of the Geo-technical Report which indicates that a 40m buffer zone should be applied around the recorded mineshaft where no permanent structures, other than roads and pavements, should be built.</p>
3.11	Landscape:
3.12	<p>The Team Manager – Natural Infrastructure has raised no objection to the proposed development but has identified a requirement for a detailed and robust landscape scheme that provides an appropriate landscape setting for the development, which includes tree planting and takes into account biodiversity interests.</p>

3.13	Ecology:
3.14	The Council's Ecologist has confirmed that the findings of the Preliminary Ecological Appraisal Report are acceptable and has raised no objection in principle to the proposed development. The need for the recommendations within the Report to be implemented is also highlighted and specific conditions are requested in relation to a 7m buffer zone around streams, ditches or ponds within and adjacent to the application site; a Construction Environmental Management Plan (CEMP); a herpetofauna mitigation strategy; and a landscape/biodiversity plan.
3.15	Rights of Way:
3.16	The Team Manager – Natural Environment has confirmed that there are no rights of way established across the site. There are, however, routes running in close proximity to the site and disappointment is raised to the missed opportunity to improve levels of connectivity within the area. The importance of maintaining the links to the adjacent candidate Local Nature Reserve is also highlighted by the Council's Ecologist.
3.17	<u>Service Manager Public Protection:</u>
3.18	The Specialist Environmental Health Officer has highlighted the elevated levels of ground gas and sulphate, which is a substance of concern, identified within the geotechnical and geo-environmental report. It also requested that the recommended mitigation measures to address these contamination issues, as well as protection measures in relation to potable water, are secured via condition.
3.19	<u>Head of Estates and Strategic Asset Management:</u>
3.20	It is confirmed that the site is owned by Blaenau Gwent County Borough Council and that the proposed development forms part of the wider redevelopment plans for 'The Works' site.
3.21	<u>External Consultation Responses</u>
3.22	<u>Natural Resources Wales:</u>
3.23	No objection is raised to the proposed development subject to a number of conditions being attached to any planning permission granted, relating to the protection of controlled waters from any mobilisation of ground contamination and/or potential changes to the engineering recommendations within the submitted Geotechnical and Geo-environmental Report.
3.24	<u>Welsh Water:</u>
3.25	No objection is raised to the proposed development. It is also confirmed that capacity exists within the public sewerage network in order to receive the foul

	flows only from the proposed development, while surface water drainage will need to be considered through the SAB process.
3.26	<u>Western Power and W&W Utilities:</u>
3.27	The approximate position of apparatus in the vicinity of the application site is highlighted.
3.28	<u>Coal Authority:</u>
3.29	The Coal Authority (CA) has confirmed that the application site falls within a development high risk area and as such, there are coal mining features and hazards within the application site and surrounding area that need to be considered in relation to the proposed development. In particular, CA records indicate that underground mining has taken place beneath the site at shallow depth and there is a recorded coal mine entry adjacent to the eastern boundary of the site.
3.30	The CA initially objected to the proposal on the basis of a lack of any detailed assessment of the risk posed to the safety and stability of the site from the presence of the recorded mine shaft. In response, further ground investigation works were undertaken with the findings reported in the subsequently submitted Ground Investigation Report & Coal Mining Risk Assessment. The latter indicates that the rotary probe drilling at the recorded location did not identify the shaft and whilst there is a low risk of ground instability, a 40m buffer zone around the recorded shaft location should be applied where no permanent structures (other than roads and pavements) should be constructed. On this basis, the CA has withdrawn its objection to the proposal subject to the attachment of a condition to any planning permission granted, requiring the submission and approval of a scheme of proposed road design measures that mitigate the risk posed by ground movement derived from the recorded mine shaft.
3.31	<u>Gwent Police:</u>
3.32	No comments received.
3.33	<u>Gwent Wildlife Trust:</u>
3.34	No comments received.
3.35	<u>Public Consultation:</u> Strikethrough to delete as appropriate <ul style="list-style-type: none">• 6 letters to nearby buildings• 2 site notice(s)

<p>3.36 3.37</p>	<ul style="list-style-type: none"> • press notice advertising the planning application as proposed development that does not accord with the provisions of the Local Development Plan (LDP) • website public register of applications • ward members by letter • all members via weekly list of applications received • other <p><u>Response:</u> Concerns have been raised by a Ward Member in relation to the potential for surface water from the proposed development to run-off into the pond and brook to the south of the site and affect its ecosystem.</p>
<p>4. Planning Policy</p>	
<p>4.1 4.2 4.3 4.4</p>	<p><u>Team Manager Development Plans:</u></p> <p>The Team Manager Development Plans has raised no objection to the proposed employment development subject to any B2 employment uses being restricted to the lower development plateau on the southern part of the application site.</p> <p><u>LDP Policies:</u></p> <ul style="list-style-type: none"> • SP1 Northern Strategy Area – Sustainable Growth and Regeneration • SP7 Climate Change • SP8 Sustainable Economic Growth • SP10 Protection of the Natural Environment • DM1 New Development • DM2 Design and Placemaking • DM3 Infrastructure Provision • DM4 Low and Zero Carbon Energy • DM10 Use Class Restrictions – Employment • DM14 Biodiversity Protection and Enhancement • SB1 Settlement Boundaries • MU2 ‘The Works’ • EMP1 Employment Allocations <p><u>Supplementary Planning Guidance</u></p> <ul style="list-style-type: none"> • The Works Design and Masterplan (October 2013) • The Works Design Code – Masterplan Update (June 2010) • Access, Car Parking and Design (March 2014)

4.5	<p><u>PPW & TANs:</u></p> <ul style="list-style-type: none">• Planning Policy Wales (Edition 10, December 2018)
5. Planning Assessment	
5.1	<p><u>Principle of Development</u></p> <p>The application site is located within the settlement boundary (Policy SB1) and forms part of a mixed use allocation relating to the regeneration of the former steelworks site (Policy MU2). Strategic Policy SP1 directly refers to ‘The Works’ site as a strategic flagship scheme within the Northern Strategy Area that will help achieve sustainable regeneration that benefits the whole of Blaenau Gwent.</p>
5.2	<p>‘The Works’ allocation seeks to deliver a range of uses, including housing, employment, education, health and leisure related uses. In order to guide development and ensure that neighbouring land uses are compatible, ‘The Works Design and Masterplan’ Supplementary Planning Guidance (SPG) sets out an indicative land use plan for the whole of the regeneration site. The application site is covered by a business use allocation (Bus 2) which is identified for B1 employment uses. The B1 only employment use of the site is also reflected in Policy EMP1 and restricted by Policy DM10 of the LDP.</p>
5.3	<p>The proposal to also include B2 employment uses on the application site is not therefore in accordance with the above LDP land use allocation and associated employment related policies, or the adopted ‘The Works Design and Masterplan’ SPG. Accordingly, the planning application has been advertised as a proposed development that does not accord with the provisions of the LDP.</p>
5.4	<p>Notwithstanding this in principle conflict with the LDP, I am of the view that the application site comprises of two distinct development plateaus that relate differently to the surrounding area. The northern half of the site sits at the same level as Lime Avenue and directly interacts with the immediate street scene and the wider ‘Westgate’¹ character area as identified by the aforementioned SPG. This part of the site is also in close proximity to sensitive neighbouring land uses, such as the hospital to the north west and the mixed use allocation (MU12) which adjoins the site’s northern boundary. In contrast, the southern half the site is at a lower land level than Lime Avenue and has only a limited interaction with the surrounding urban environment. Moreover, this part of the site is located approximately 200m from the sensitive land uses highlighted above and also sits within the</p>

¹ ‘The Works’ site has been split into six Character Areas, including “Westgate” which covers the southwest part of the site stretching from Mill Lane in the north to Festival Drive in the south.

	<p>context of the Festival Drive employment area, which the LDP identifies as being suitable for B1, B2 and B8² employment uses. In fact, the lower southern plateau of the application site and northern end of Festival Drive are located at similar distances from the hospital building.</p>
5.5	<p>Given the above, I am of the view that northern plateau of the application site is suitable for B1 employment uses only in line with the LDP and SPG's land use allocation. Allowing general B2 employment uses in close proximity to the surrounding sensitive uses has the potential to give rise to unacceptable amenity impacts and as such, I recommend that the use of buildings 1-4 is restricted to B1 employment uses only via condition. The applicant has agreed to this approach and has annotated the revised site layout plan to illustrate the differentiation of the proposed uses on the site.</p>
5.6	<p>I am, however, satisfied that due to the characteristics of the application site and the surrounding area, allowing B1 or B2 employment uses on the lower southern plateau of the site would not be incompatible with other uses in the locality. Moreover, allowing this flexibility would increase the likelihood of the proposed 4,260 square metres of employment floor space being delivered. In doing so, a valuable contribution would be made to the regeneration of brownfield land allocated for employment and business purposes within the LDP (Policy SP8), which will in turn help meet the needs of local business and create employment opportunities for local people. On balance, I am therefore of the view that these material considerations weigh heavily in favour of allowing B2 employment uses on the southern plateau of the application site, contrary to the LDP and SPG's land use allocations.</p>
5.7	<p><u>Layout, Scale and Appearance</u></p>
5.8	<p>As indicated above, 'The Works Design and Masterplan' SPG identifies five separate character areas across the whole of 'The Works' site. The application site falls within the 'Westgate' character area which recognises the need to accommodate lower density employment uses on the lower density area at the southern end of the site, adjacent to the existing businesses at Festival Drive and near the hospital which is in a landscaped setting. 'The Works Design and Masterplan' SPG also indicates that the area is suitable for low rise employment uses with maximum heights of 2-3 storeys (see Table 1, pages 13-14 of the SPG).</p>
5.9	<p>In light of the above, I am of the view that the proposed density of development and the single storey height of the proposed buildings are appropriate within the context of the site and the surrounding area. I am also</p>

² B8 employment uses relate to storage or distribution.

satisfied that the scale and linear form of the proposed buildings, which predominantly run parallel to the main street, are in keeping with the character of other existing and proposed employment buildings located within 'The Works' site. Whilst the proposed buildings (most notably buildings 2 and 3) would ideally front on to Lime Avenue in order to create a more active street scene, it is recognised that the physical constraints of the site have largely dictated the layout and buildings' orientations. It is also acknowledged that the proposed site layout has been revised to position proposed building 3 as far as possible away from Lime Avenue in order to allow a sufficient landscape buffer to be provided between the new footpath and the building (see Figure 2 – Indicative Street Images below). In doing so, the physical impact of the building on Lime Avenue has been reduced to some degree.

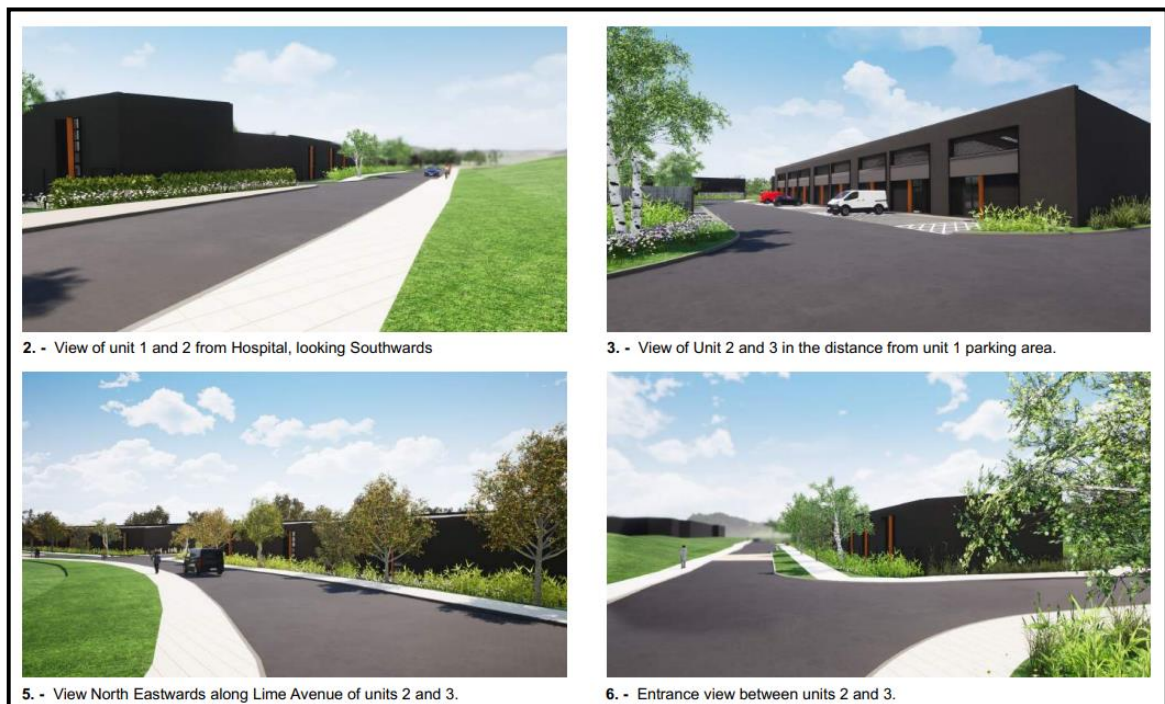


Figure 2 – Indicative Street Scene Images

- 5.10 The proposed buildings have been designed to have a consistent rhythm of fenestration, doors, louvres, signage zones and coloured structural profiles that help break up the long, horizontal form of the buildings. Whilst the palette of materials proposed is limited, this design approach has previously been applied to both the existing Regain building and the proposed employment buildings to the north. I am also satisfied that the proposed design features would provide adequate visual interest within the street scene, including along Lime Avenue, and the type of materials proposed would not be out of keeping with the character and appearance of the area given the variety of materials used for the surrounding hospital, residential

	and employment buildings.
5.11	I am therefore of the opinion that the layout, scale and design of the proposed development would be in keeping with the character and appearance of the street scene and surrounding area, and would not have an adverse visual impact. The design of the proposed buildings and layout of the surrounding public realm has also had due regard to reducing opportunities for crime and making provision for people with special access requirements. As such, the proposed employment development is considered to be in accordance with requirements of Policies DM1 and DM2 of the LDP and the aforementioned SPG in relation to design and placemaking matters.
5.12	<u>Sustainable Design</u>
5.13	Policy DM4 seeks to encourage major development proposals to incorporate renewable and/or low carbon technologies into their development scheme and requires the submission of an Energy Statement. The purpose of the latter is to examine the potential for energy generation from renewable and/or low carbon sources and to set out how the proposal can make an appropriate contribution.
5.14	The Design and Access Statement indicates that the proposed employment buildings would be designed to achieve BREEM Excellent accreditation. In order to inform the low carbon design of the buildings, a Low and Zero Carbon Technologies Feasibility Study has been undertaken which has considered the potential for a range of low and zero carbon technologies that could be incorporated into the design of the building. Of the seven technologies assessed, two technologies are considered to be feasible, namely solar photovoltaic panels and air source heat pumps. Unfortunately, the distance between the application site and the existing combined heat and power network to the north is considered to be cost prohibitive.
5.15	I am therefore satisfied that opportunities have been taken to incorporate low and zero technologies into the design of the proposed employment development in accordance with the requirements of Policy DM4.
5.16	<u>Amenity</u>
5.17	The proposed employment development's compatibility with other uses in the locality has been considered above in relation to the principle of development (see paragraphs 5.1-5.6 above). Here it is explained that the proposal is considered acceptable in land use terms provided that the northern plateau of the development site is restricted to B1 employment uses only, due to the proximity of this part of the site to sensitive land uses. This reflects the

	<p>classification of B1 employment uses which includes, among other things, light industry which can be carried out in any residential area without detriment to the amenity of that area in terms of noise, air quality, vibration and odour.</p>
5.18	<p>In terms of the overlooking, overshadowing and overbearing impact of the proposed employment buildings, the only existing building in the immediate vicinity of the application site is the hospital. The closest proposed employment building to the hospital would, however, maintain an acceptable separation distance of approximately 35 metres. As such, I am satisfied that the proposal would not have unacceptable overbearing impact on the hospital or result in an unacceptable loss of light or privacy to the users of the building.</p>
5.19	<p>I am therefore of the opinion that provided the northern plateau of the site is restricted to B1 employment uses via an appropriately worded condition, the proposed development would not give rise to any unacceptable amenity impacts. Accordingly, the proposal meets the requirements of Policy DM1 in respect of amenity related matters.</p>
5.20	<p><u>Highways and Parking</u></p>
5.21	<p>The proposed development would involve the creation of two new vehicular accesses off Lime Avenue into the site, along with vehicular turning facilities and parking areas to meet the needs of the proposed employment units. The proposal also incorporates bike store facilities and 79 car parking spaces in total, including 15 disabled spaces and 8 electric vehicle charging points. Associated highway works along Lime Avenue include the installation of new footpaths and the relocation of an existing traffic calming table.</p>
5.22	<p>The proposed layout of the site has also been revised to include a path connecting the proposed employment development and Lime Avenue to an existing path which runs along the eastern, southern and part of western boundary of the application site. The existing path provides good access to the surrounding footpath network that has been established as part of the wider reclamation of 'The Works' site and the proposal would make a positive contribution to the connectivity of both the application site and surrounding area.</p>
5.23	<p>The Team Manager – Built Infrastructure has raised no objection to the proposed development, but has requested the submission and approval of additional details relating to road gradients, retaining structures, highway junctions, traffic calming measures and electric charging vehicle points. The need for the proposed cycle, car parking and turning areas to be fully</p>

	<p>constructed prior to the employment units being brought into beneficial use and retained thereafter is also highlighted. I am satisfied that these matters can be adequately addressed via suitably worded conditions, and therefore consider the proposed development to be acceptable in terms of the safe and efficient use of the highway network, special access requirements, prioritising sustainable transport and providing appropriate parking, servicing and operational space. Accordingly, the proposal is considered to be in accordance with Policy DM1 in respect of these matters.</p>
5.24	<p><u>Ecology</u></p>
5.25	<p>The submitted Preliminary Ecological Appraisal Report (PEAR) confirms that the application site does not contain any priority habitats. Moreover, nearby designated nature conservation sites are considered to be sufficiently well separated from the application site for there to be no detrimental impacts on their designated features as a result of the proposed development. There were, however, a number of priority species found present or likely to be present on the site, including bird species (nesting), bats (commuting and foraging), amphibians and reptiles.</p>
5.26	<p>Whilst no further surveys were considered necessary as a result of the biodiversity desk study and field survey, a number of recommendations are included within Table 7, Section 5, of the PEAR, which are endorsed by the Council's Ecologists. Among other things, these include the retention of scrub, where possible, and new planting of vegetated corridors for bat commuting links; vegetation clearance works to be undertaken outside bird nesting season and the provision of compensation habitat; the provision of a reptile/amphibian (herpetofauna) mitigation strategy; and the provision of compensation habitat for invertebrates. In addition, the Council's Ecologist, who has raised no objection to the proposed development, has requested that the following requirements are secured via appropriately worded conditions if planning permission were to be granted: a 7m buffer zone around streams, ditches or ponds within and adjacent to the application site; a construction environmental management plan; and a landscape/biodiversity plan. The latter will provide the opportunity for delivering the compensatory habitat identified above.</p>
5.27	<p>I am therefore satisfied that provided the ecological mitigation and compensation measures highlighted above are secured via condition, the proposed employment development would not have an unacceptable impact on the ecological interests of the site or surrounding area. Accordingly, the proposal is considered to be in accordance with LDP Policies SP10, DM1 and DM14 in respect of biodiversity related matters.</p>

5.28	<u>Landscaping</u>
5.29	The proposed site layout provides sufficient areas of soft landscaping interspersed between the buildings and car parking areas, and along the highway verges, to enable a suitable visual setting to be created for the proposed employment development. The avenue of trees along Lime Avenue would also be retained, ensuring that the proposal continues to integrate well with the street design and wider public realm of 'The Works' site. Whilst the Team Manager – Natural Infrastructure has drawn attention to the lack of landscaping details on the submitted site layout plan, no objection has been raised to the proposed employment development, subject to a robust landscaping scheme being secured via condition if planning permission were to be granted. In particular, the landscaping scheme will need to incorporate appropriate levels of tree planting and take into account biodiversity needs.
5.30	I am therefore of the view that subject to an appropriate landscaping scheme being secured via condition, the proposed employment development would achieve a suitable visual setting and integrate effectively into the wider area. Accordingly, the proposal meets the requirements of Policy DM2 in respect of landscaping.
5.31	<u>Flooding</u>
5.32	When the planning application was originally submitted, part of the application site fell within Flood Zone C2 (floodplain), as defined by the Development Advice Map (DAM). Whilst employment uses, which are not considered to be forms of highly vulnerable development, are generally considered acceptable within Flood Zone C2, they must meet the justification tests and the requirement for a flood consequences assessment as set out in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). Accordingly, the applicant has submitted a flood consequence assessment as part of the planning application.
5.33	However, since the submission of the planning application, the DAM has been updated by Natural Resources Wales and the application site no longer partly falls within a high risk flood area. Accordingly, the aforementioned requirements of TAN 15 are no longer relevant and the site is not considered to be at risk of flooding.
5.34	<u>Drainage</u>
5.35	The proposed employment development would seek to connect foul water drainage to the main public sewerage network and Welsh Water has confirmed that capacity exists within this network to receive foul flows only. I am satisfied that the exact details of the foul water drainage scheme for the

	<p>proposed employment development can be secured by an appropriately worded condition.</p>
5.36	<p>With regards to surface water drainage, a Ward Member has raised concerns over the potential for surface water run-off to affect the pond and brook to the south of the application site. Details of the proposed surface water drainage scheme have not, however, been submitted within the planning application and, as highlighted in Section 2 above, surface water drainage matters are now a matter for the Sustainable Drainage Systems (SuDS) Approval Body. The proposed development's surface water drainage scheme will therefore be assessed under this separate regulatory regime and due regard will be given to the impact on the surrounding natural environment as part of this process. I do, however, recommend that an informative is attached to any planning permission granted, drawing the applicant/developer's attention to the need for SuDS approval prior to the commencement of development on site.</p>
5.37	<p><u>Ground Stability and Contamination</u></p> <p>In respect of ground stability, the submitted Terra Firma letter dated 20th December 2013, which presents the findings of rotary probe drilling on the site, states that the application site is at an insignificant risk of surface subsidence related to shallow seams, due to the intact nature of the coal seams, the collapse of the ironstone seam and their recorded depths. Whilst The Coal Authority (CA) accepts these particular findings, it did initially raise concerns over the lack of a detailed assessment of the risk posed to the safety and stability of the site from the presence of a recorded mine shaft on the eastern boundary of the site. Further rotary probe drilling was therefore undertaken on the site in order to establish the exact location of the mine shaft and the implications for the proposed development.</p>
5.38	<p>The subsequently submitted Ground Investigation Report & Coal Mining Risk Assessment indicates that the rotary probe drilling at the recorded location did not identify the mine shaft and whilst there is a low risk of ground instability, a 40m buffer zone around the recorded mine shaft location should be applied where no permanent structures (other than roads and pavements) should be constructed. There are no buildings proposed within the established buffer zone and, on this basis, the CA has withdrawn its objection to the proposed development. The Council's Engineer has also raised no objection to the proposed development. The CA has, however, requested the imposition of condition on any planning permission granted, requiring the submission and approval of a scheme of proposed road design measures that mitigate the risk posed by ground movement derived from the recorded mine shaft.</p>

5.39	<p>With regards to ground contamination, the submitted Geo-technical and Geo-environmental Report (GGR) indicates that the application site is affected by elevated levels of sulphate, which is contaminant of concern, and ground gas. As such, the GGR recommends a number of remediation measures, including capping the site with the proposed buildings, hard surfaces or a minimum thickness of 600mm of inert materials. The incorporation of ground gas protection measures into the design of the buildings and the need for the use of appropriately designed pipes in order to safeguard potable water supplies is also highlighted.</p>
5.40	<p>The Council's Specialist Environmental Health Officer has raised no objection to the proposed development subject to the above remediation measures being secured via an appropriately worded condition. A validation report confirming that the remediation measures have been implemented can also be secured via condition prior to the occupation of the buildings. Natural Resources Wales have requested further conditions that would protect controlled waters from the mobilisation of contamination as a result of uncontrolled surface water infiltration into the ground and/or potential changes to the engineering recommendations within the GGR. I am satisfied that such conditions securing control over inappropriate penetrative methods of foundation design and inappropriately located infiltration systems are necessary and as such, should be imposed if planning permission were to be granted.</p>
5.41	<p>I am therefore of opinion that subject to appropriate mitigation and remediation measures being secured via condition, the proposed employment development would be acceptable in respect of ground stability and contamination. Accordingly, the proposal is considered to be in accordance with LDP Policy DM1 in respect of these matters.</p>
5.42	<p><u>Conclusion</u></p>
5.43	<p>In summary, whilst the proposed employment buildings are not wholly in accordance with the provisions of the LDP, the delivery of a mixture of B1 and B2 employment uses on the application site would make a significant contribution to meeting the LDP's regeneration and employment related strategic objectives. Moreover, I am of the view that the proposed employment uses would be compatible with neighbouring land uses in the locality provided that the B2 employment uses are restricted to the lower, southern development plateau of the application site.</p>
5.44	<p>The scale and design of the proposed employment buildings would also be in keeping with the character and appearance of the surrounding area, and the</p>

5.45	<p>proposal would not have an unacceptable impact on the amenity of neighbouring buildings. In terms of highway and parking matters, the new access junctions at Lime Avenue are considered to be acceptable in principle and the amount of parking provision is sufficient to meet the needs of the proposed employment development.</p> <p>I am therefore of the opinion that, on balance, the proposed employment development is broadly in accordance with the general thrust of the LDP and the conflict with the LDP's land use allocation is outweighed by the regeneration and economic benefits of the proposal.</p>
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6. Legislative Obligations

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

7. Conclusion and Recommendation

7.1	<p>Planning permission be <u>GRANTED</u> subject to the following condition(s):</p> <ol style="list-style-type: none"><li data-bbox="225 1417 1516 2022">1. The development shall be completed in full accordance with the following approved plans and documents <u>Approved Plans</u><ul style="list-style-type: none"><li data-bbox="272 1552 1516 1630">• Site Location Plan, Drawing No. TS1280-PA-01, stamped received 20/02/2019;<li data-bbox="272 1637 1516 1715">• Proposed Site Layout Plan, Drawing No. TS1280-PA-03, stamped received 21/11/2019;<li data-bbox="272 1722 1516 1800">• Building 1: Plan, Elevations & Section, Drawing No. TS1280 PA-04, stamped received 28/11/2019;<li data-bbox="272 1807 1516 1886">• Building 2: Plan, Elevations & Section, Drawing No. TS1280 PA-05, stamped received 28/11/2019;<li data-bbox="272 1892 1516 1971">• Building 3: Plan, Elevations & Section, Drawing No. TS1280 PA-06, stamped received 28/11/2019;<li data-bbox="272 1977 1516 2022">• Building 4: Plan, Elevations & Section, Drawing No. TS1280 TE-07,
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stamped received 20/02/2019;

- Building 5: Plan, Elevations & Section, Drawing No. TS1280 PA-08, stamped received 04/03/2019; and
- Building 6: Plan, Elevations & Section, Drawing No. TS1280 TE-09, stamped received 20/02/2019.

Approved Documents

- Geo-technical and Geo-environmental Report: Proposed Commercial Development, Bus 6, Former Steel Works, Ebbw Vale, prepared by Terra Firma (Wales) Limited (November 2010 / Job No: 11176-2), stamped received 4th April 2019.
 - Preliminary Ecological Appraisal Report: The Works Employment Park, Ebbw Vale, prepared Wildwood Ecology Limited (28th November 2018 / WWE18239 PEA REV B), stamped received 20th February 2019.
- unless otherwise specified or required by conditions listed below.

Reason: To clearly define the scope of this permission.

2. Use of buildings/units 1, 2, 3 and 4 as identified on Proposed Site Layout Plan, Drawing No. TS1280-PA-03, stamped received 21/11/2019 shall be restricted to uses falling solely within Class B1 (Business) uses of Part B of the Schedule to the Town & Country Planning (Use Classes) Order 1987.

Reason: To define the scope of the permission.

3. Use of buildings/units 5 and 6 as identified on Proposed Site Layout Plan, Drawing No. TS1280-PA-03, stamped received 21/11/2019 shall be restricted to uses falling solely within Classes B1 (Business) and B2 (General Industrial) uses of Part B of the Schedule to the Town & Country Planning (Use Classes) Order 1987.

Reason: To define the scope of the permission.

4. No development shall commence on site until the following highway details are submitted to and approved in writing by the Local Planning Authority:

- Proposed road junctions and works to relocate the existing traffic calming features on Lime Avenue; and
- Longitudinal cross-sections of the proposed access road, indicating gradients and, where appropriate, highway retaining structures.

The buildings hereby approved shall not be occupied until all highway works are completed in accordance with the approved details.

Reason: In the interests of highway safety.

5. No development shall commence until a scheme of proposed measures to be incorporated into the highway design to mitigate the risk posed by ground movement is submitted to and approved in writing by the Local Planning Authority. The buildings hereby approved shall not be occupied until all highway works are completed in accordance with the approved details.

Reason: To ensure that the development is implemented in a manner that has due regard to ground stability issues.

6. The buildings hereby approved shall not be occupied until the areas designated for cycle and car parking and vehicle turning are completed in accordance with the Proposed Site Layout Plan, Drawing No. TS1280-PA-03, stamped received 21/11/2019. These designated areas shall not be obstructed and shall be retained and kept available for their designated purposes at all times.

Reason: To ensure that the parking and vehicle turning needs of the development are adequately met at all times.

7. The buildings hereby approved shall not be brought into beneficial use until a Travel Plan (including a programme of implementation) has been submitted to and approved in writing by the Local Planning Authority. All actions and measures as may be approved shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and sustainable transport.

8. Notwithstanding any details indicated on the approved plans, the construction of any building hereby approved shall not commence until samples of all external finishes to the building, all hard landscaped finishes and boundary treatments have been submitted to and approved in writing by the Local Planning Authority. All buildings and hard landscaping and boundary treatments relating to that building shall be completed in accordance with the approved details before the building is occupied.

Reason: To safeguard the visual and landscape amenities of the area.

9. Prior to the installation of any electric car charging points as shown on Proposed Site Layout Plan, Drawing No. TS1280-PA-03, stamped received 21/11/2019, details must be submitted to and approved in writing by the Local Planning Authority. Such electric car charging

points shall be completed in accordance with the approved details before the buildings hereby approved are brought into beneficial use.

Reason: To safeguard highway safety and visual amenity interests.

10. No development shall commence on site until details are submitted to and approved in writing by the Local Planning Authority of a scheme showing how foul water will be dealt with. None of the buildings hereby approved shall be brought into beneficial use until all foul water drainage works relating to that building and its connection to the wider drainage network are completed in accordance with the approved details.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.

11. All works undertaken shall be implemented in full accordance with the recommendations contained in Geo-technical and Geo-environmental Report: Proposed Commercial Development, Bus 6, Former Steel Works, Ebbw Vale, Terra Firma (Wales) Limited (November 2010 / Job No: 11176-2), stamped received 4th April 2019. The development shall not be brought into beneficial use until the Local Planning Authority is provided with a validation report, signed by a suitably qualified person that confirms that such recommendations, measures and/or works have been fully implemented.

Reason: To ensure that the development is implemented in a manner that gives due regard to ground contamination issues.

12. If, during the course of development, any contamination is found which has not been identified in Geo-technical and Geo-environmental Report: Proposed Commercial Development, Bus 6, Former Steel Works, Ebbw Vale, Terra Firma (Wales) Limited (November 2010 / Job No: 11176-2), stamped received 4th April 2019, additional measures for the remediation of this source of contamination in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate all approved additional measures and shall be completed before the development hereby approved is brought into beneficial use.

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

implemented.

13. If piling or any other foundation design using penetrative methods are to be used as part of the development hereby approved, no development shall commence until details of a foundation assessment that demonstrates there is no unacceptable risk to groundwater is submitted to and approved in writing to the Local Planning Authority. The building foundation works shall be carried out in full accordance with the approved details.

Reason: To ensure that the development is implemented in a manner that has due regard to the potential for pollution to controlled waters.

14. If infiltration of surface water into the ground is to be used as part of a sustainable drainage scheme for the development hereby approved, no development shall commence until details of the sustainable drainage scheme are submitted to and approved in writing by the Local Planning Authority. None of the buildings hereby approved shall be brought into beneficial use until all sustainable drainage works relating to that building and any related connection to the wider drainage network are completed in accordance with the approved details.

Reason: To ensure that the development is implemented in a manner that has due regard to the potential for pollution to controlled water from inappropriately located infiltration systems.

15. 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 development 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 buildings are 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.

16. 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.

17. All planting, 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(s), 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.

18. No development shall commence on site (or materials or machinery brought onto the site for the purposes of this development) until a herpetofauna mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures within the strategy shall be implemented and maintained during the course of the development and retained until all works are completed and materials are removed off site, at which time the protection measures shall be removed and any ground disturbance made good.

Reason: To safeguard features of biodiversity/habitat value which have been identified on the site.

19. No development shall commence on site until a Construction Method

Statement has been submitted to and approved in writing by The Local Planning Authority. The Statement shall provide details of:-

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

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

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

20. No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include details of the following:-
- a) a risk assessment of any potentially damaging construction activities;
 - b) identification of “biodiversity protection zones”;
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - d) the location and timing of sensitive works to avoid harm to biodiversity features;
 - e) the times during construction when specialist ecologist need to be present on site to oversee works;
 - f) responsible persons and lines of communication;
 - g) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and
 - h) the use of protective fences, exclusion barriers and warning signs.
- The CEMP shall be strictly implemented and adhered to throughout the construction period in full accordance with the approved details.

Reason: To protect biodiversity interests and ensure that suitable measures are taken to mitigate any adverse impacts on biodiversity.

21. 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.

Informatives

1. The Council's Service Manager Infrastructure has advised that the development for which full planning permission has been granted is one that requires SUSTAINABLE DRAINAGE APPROVAL BEFORE WORKS COMMENCE ON SITE. This is a separate legislative requirement introduced by Schedule 3 of the Flood and Water Management Act 2010 which came into effect in Wales on 7th January 2019. Applications for sustainable drainage approval relating to developments in Blaenau Gwent are being processed by Caerphilly County Borough Council. Further information in relation to this requirement can be found at <https://www.blaenau-gwent.gov.uk/en/resident/planning/how-to-apply-for-planning-permission/permission-for-drainage/>
2. The applicant/developer is advised that the Construction Environmental Management Plan must include a 7m buffer zone around any streams, ditches or other water bodies within or adjacent to the application site. For further advice please contact the Council's Ecologist on 01495 355702/ liz.hancocks@blaenau-gwent.gov.uk
3. The applicant/developer is advised that the scheme of landscaping must include appropriate tree planting and measures that address local biodiversity interests. For further advice on the latter please contact the Council's Ecologist on 01495 355702/ liz.hancocks@blaenau-gwent.gov.uk
4. 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.
5. The developer is advised that there are opportunities to explore local employment and supply chains. Blaenau Gwent CBC through their Economic Development Unit are able to provide support and information to contractors in maximising these opportunities. The telephone number for the Economic Development Unit is 01495 355700 / business@blaenau-gwent.gov.uk

7.2	
8. Risk Implications	
8.1	No risks identified.

Report Date:
Report Author: