

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	1st July 2024
Directorate	Regeneration & Community Services
Date of meeting	10th July 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/2020/0276	Land adj, Ashvale Sports Club, Griffiths Gardens, Tredegar NP22 3HQ.
3. Recommendation/s for Consideration	
Please refer to individual reports	

Planning Report

Application No: C/2020/0276	App Type: Full
Applicant: Mr Darren Hillman The Gables Charles Street Tredegar NP22 3HQ	Agent: Stuckey George Architects Mr Ryan Stuckey 14 The Glade Plasdraw Aberdare CF44 0NX
Site Address: Land adj, Ashvale Sports Club, Griffiths Gardens, Tredegar NP22 3HQ.	
Development: Proposed residential site of 20 dwellings and associated works	
Case Officer:	Helen Hinton

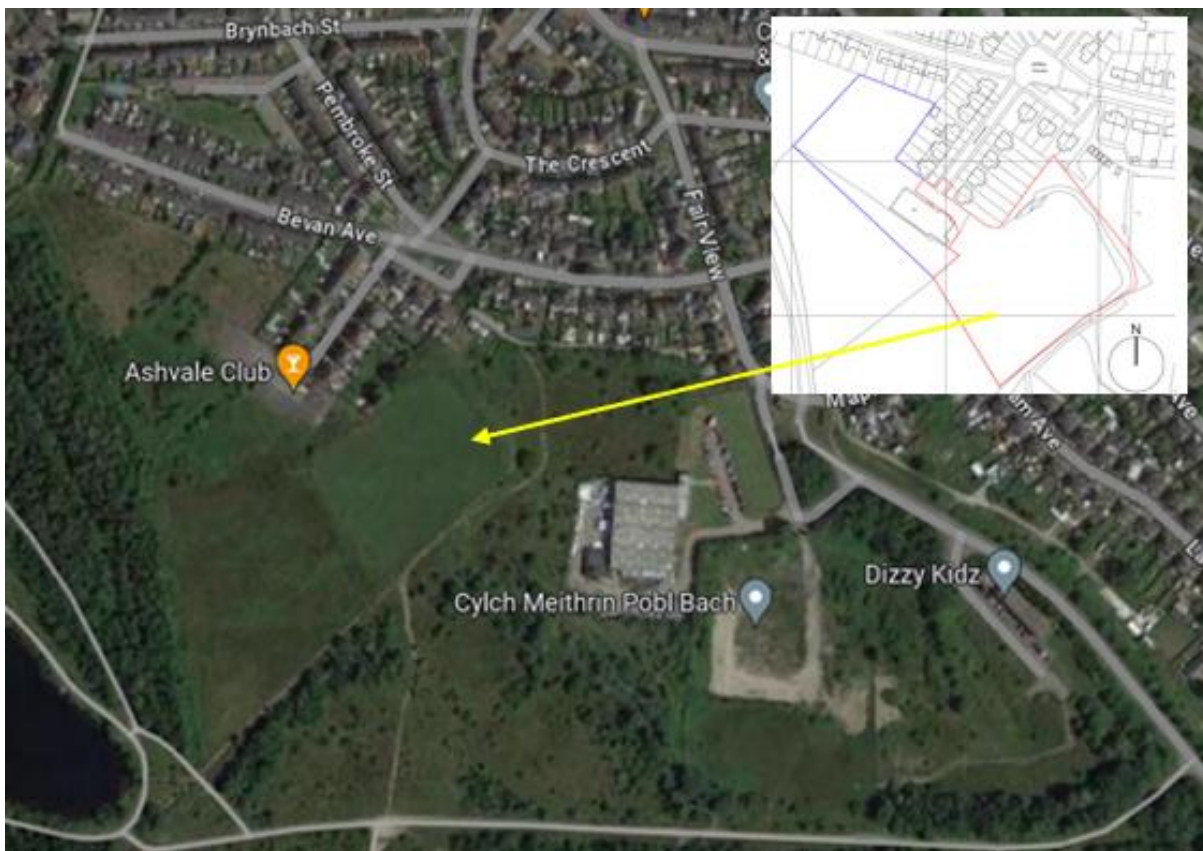


Fig. 1- Google ariel image and site location

1.0 Background, Development and Site Context

- 1.1 This application seeks full planning permission for the development of 20 dwellings and associated works on land forming part of the Ashvale Sports Club, Tredegar.
- 1.2 The site has been the subject of several previous applications for planning permission with the most recent and relevant being application C/2017/0143 which sought outline planning permission for 18 dwellings with associated highways and parking provision for adjacent dwellings. The application was refused at Committee on for the following reason:
 1. The access road to the site is at capacity and suitable to accommodate the additional vehicular and pedestrian movements associated with the development. Griffiths Gardens experiences extensive on-street parking which effects the traffic flow capability and capacity. The visibility spays at the entrance to the development site are unacceptable and are impeded by parked vehicles. As such it is considered that the proposal would endanger pedestrians and vehicle users. The issues regarding capacity and highway safety cannot be mitigated for and the proposal is contrary to Policy DM1 (3a and b) of the adopted Blaenau Gwent Local Development Plan.
- 1.3 However, permission was subsequently granted, via appeal on 15th August March 2018 (Appeal reference APP/X6910/A/18/3202061 refers) with the applicant's application for significant costs also upheld. The inspector determined that the Council had behaved unreasonably, causing the applicant to incur unnecessary or wasted expense in the appeal process, by failing to provide substantive evidence to demonstrate the proposal would lead to harm to highway safety or provide contrary evidence to demonstrate that the level of information provided by the applicant was insufficient to establish that highway safety could not be suitable addressed.
- 1.4 The current proposal details the provision of 20 dwellings comprising a mix of detached and semi-detached houses and a pair of flats.



Fig. 2- Proposed site layout.

1.5 The schedule of accommodation details the following mix:

Type	Number of occupants	of	Number of bedrooms	of	Total number of units
Open Market	6 person		4 bed		10
	7 person		5 bed		7
Affordable	4 person		2 bed		1
	2 person		1 bed		2

1.6 Each property would benefit from areas of amenity space and off-street parking, some of which would be within detached and/ or integral garages. The buildings would be two and two and half storey in form, finished externally with red or buff brick with upvc windows and door and dark grey reconstituted slate roof tiles.

1.7 Boundaries in prominent locations would be brick and boundaries between rear gardens timber fencing. A retaining wall varying in height from 1.7m to

2.65m would be provided around the north and north-eastern part of the development.

- 1.8 Vehicular access would be gained via Griffiths Gardens to the north-west of the site. As detailed above, access via Griffiths Gardens was a matter considered as part of the previous application with the principle positively established by the appeal decision.
- 1.9 The adoptable elements of the estate road would have a width of 5.5m with 2m footways on either side. The cul-de-sac highways would cross the site in a south-easterly direction, leading to private driveways. A new footpath would be provided in the southern boundary connecting to the existing public right of way (PRoW) to provide access and connection opportunities to the wider Tredegar area and Parc Bryn Bach. The proposed development would collectively provide 54 no. parking spaces in a combination of integral garages, detached garages, frontage and tandem parking.
- 1.10 The proposed dwellings would be positioned either side of the cul-de-sacs and have been designed so that the dwellings front the road or private driveways that serve them.
- 1.11 Street scenes from various sections throughout the site are provided below:



Fig. 3- Street scene north to south- plots 1-5.



Fig. 4- Street scene west to east- plots 1, 9, 10 and 20. Dwellings look towards the access and Griffiths Gardens.

- 1.12 Biodiversity and green infrastructure connectivity opportunities would be enhanced by providing two surface water attenuation basins in the northern and western corners with adjoining amenity/ biodiversity areas, rain gardens, tree and shrub planting as well as hedgerow planting within the development and along external boundaries of the site.

- 1.13 In addition to the detailed plans showing the layout and house types the applicant has submitted supplementary information which includes:
- Design and Access Statement (DAS),
 - Pre-application Consultation Report (PAC),
 - Landscaping Scheme,
 - Drainage Strategy,
 - Engineering Drawings,
 - Coal Mining Risk Assessment
 - Site Investigation Report
 - Sustainability Assessment
 - Ecological Appraisal and
 - Green Infrastructure Statement
- 1.14 A further round of public and statutory consultation was undertaken at the end of November 2023 following the submission of amended details to respond to consultation comments which included amendments to the site layout, access, parking provision and dwelling types.
- 1.15 The determination of the application has been delayed to allow the applicant an opportunity to undertake a pre-app with the sustainable drainage system approving body (SAB).
- 1.16 The application site comprises a roughly square shaped parcel of land with an area of approximately 1.1 hectares. The site is positioned to the east of the sports club, to the south and south-east of the residential dwellings of Griffiths Gardens and Bevan Avenue and to the west of the Ashvale Industrial Estate.



Fig. 5- View across the site from public footpath towards Ashvale Sports club and the dwellings in Griffiths Gardens.

- 1.17 The topography of the site is such that it slopes from south-west to north-east and with a relatively flat plateau in the middle. The boundaries are defined by a combination of post and wire and timber fencing along the boundaries with

the properties in Griffiths Gardens. Although the land was previously used as sports pitch, it has most recently been used for grazing purposes.



Fig. 6- View from within the site towards Ashvale Sports Club and the dwellings in Griffiths Gardens.

- 1.18 A Public Right of Way (PRoW) runs along part of the south-eastern boundary of the site, which connects with the footpath to the south which leads to Parc Bryn Bach. The land to the south of the site, forming part of Parc Bryn Bach is designated as a Site of Importance for Nature Conservation (SINC).



Fig. 7- Route of public right of way relative to application site



Fig. 8- Public right of way adjacent to southern boundary leading to Bryn Bach Parc.

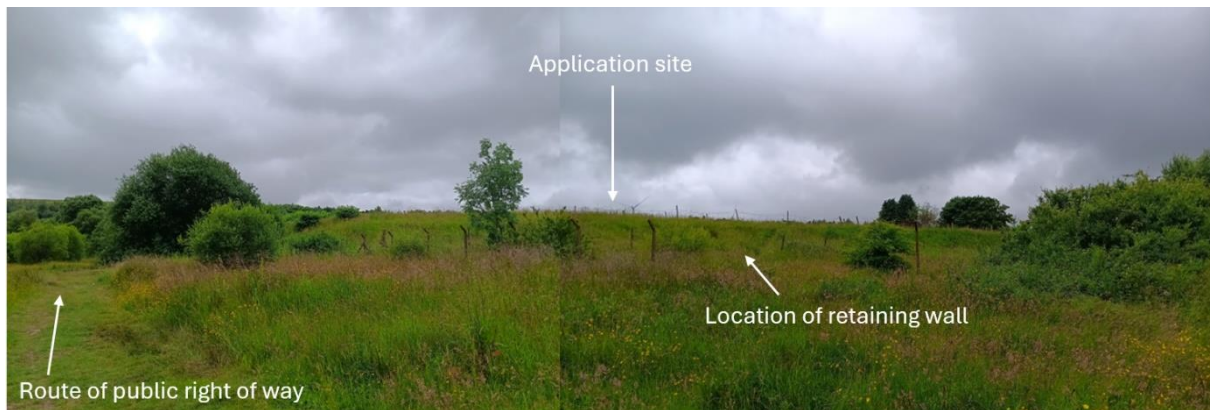


Fig. 9- View of site from north- east



Figs. 10 and 11 - Existing access from Griffiths Gardens into the site.



Fig. 12- Internal view of existing access to site

- 1.19 The proposals map of the Blaenau Gwent County Borough Council Local Development Plan identifies that the application site within the settlement boundary of the Tredegar Ward but is unallocated.
- 1.20 This application is presented to Planning Committee in line with the current Scheme of Delegation as it falls within the category of major development. The Ward Member has also requested that the application be presented for discussions to be held regarding highway safety, ground stability and previous flooding issues in the streets below the development.

2.0 Site History

Although the wider site has an extensive planning history the following is considered most relevant to the current proposal

	Ref No	Details	Decision
2.1	2017/0143	Proposed residential development (18 dwellings) with associated highways and parking provision for adjacent dwellings	Refused 03/04/2017 Appeal allowed 15/08/2018
2.2	2006/0549	Residential development (Outline)	Refused 20/07/2007

3.0 Consultation and Other Relevant Information

3.1 Internal BG Responses

Service Manager Infrastructure:

3.2 Highways:

The submitted application complies with Policy DM 1 (3 a, b, c & d), there are no objections subject to the following:

1. The dwellings shall not be occupied until the following works have been completed:

- a. the roads and footways serving the development are to be constructed to a minimum of binder course level and street lighting energised.
- b. The on-street parking areas for individual dwellings have been fully constructed.
- c. The proposed footpath linking the development to the PRoW has been constructed.

2. The roads and footways serving the development will be subject to a S38 Agreement for adoption and be in full compliance with the highway authority construction design standards, incorporating a fully SAB compliant highway drainage scheme, street lighting etc.

3.3 Drainage:

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'.

3.4 Ground Stability:

No objections

3.5 Landscape:

The landscape design, specification and management plan appear generally acceptable, however there is a lack of consideration for the inclusion of street tree planting. Conditions recommended to secure street tree planting of a minimum size.

3.6 Ecology:

The amended Preliminary Ecological Appraisal is acceptable. However, a CEMP and Japanese Knotweed eradication plan need to be secured.

3.7 Service Manager Public Protection:

The land the proposed housing development will be built upon is adjacent to an operating factory. It is recommended that a condition be imposed requiring the submission of a noise impact assessment for approval by this Authority before any development takes place.

The standard land contamination condition should be used in this instance and provisions are made for the charging of electric vehicles at the properties.

3.8 Head of Estates and Strategic Asset Management:

3.9 Leisure:

To support the recreational needs of the development residents, a commuted sum of £69,760, to be secured by a Section 106 agreement is requested, to upgrade/ refurbish play areas within the ward.

3.10 Education:

In order to accommodate the children from the development the following commuted sum to be secured by a Section 106 agreement is requested:

Primary Education: £37,752.00 and

Secondary education £57,685.00.

3.11 **External Consultation Responses**

3.12 Town / Community Council:

Object to the development on the grounds of serious concerns relating to access, as Members considered it would prove unsafe for vehicles to pass if cars were parked along the access road. Also access for all the site vehicles while undertaking the development, e.g. construction traffic, as the turning point was not sufficient to take such volume.

Concern regarding the loss of the football pitch, with groups now forced to travel to attend training.

3.13 Welsh Water:

Capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. The 'Drainage Strategy' (Drawing No. 9834/501) proposes to dispose foul and surface water flows to the main sewer and existing watercourse respectively and, in principle,

we offer no objection subject to obtaining consent under the Water Industry Act 1991 for the former. Conditions recommended.

3.14 Western Power and Wales and West Utilities:

Advice provided regarding the location of apparatus within the vicinity of the site.

3.15 Coal Authority:

No objection to the proposed development subject to the imposition of conditions to ensure remedial works to treat a recorded mine entry (shaft) are imposed to ensure the safety and stability of the development.

3.16 **Public Consultation:**

The original application has been the subject of the following consultation process:

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

The amended application has been the subject of the following consultation process:

- 27 letters to nearby houses
- site notice(s)
- press notice
- ward members by letter

No public objections or representations have been received to the original or amended application.

4.0 Planning Policy

4.1 Team Manager Development Plans:

LDP Policies:

SP1 Northern Strategy Area – Sustainable Growth and Regeneration

SP4 Delivering Quality Housing
SP5 Spatial Distribution of Housing
SP6 Ensuring Accessibility
SP9 Active and Healthy Communities
SP10 Protection and Enhancement of the Natural Environment
DM1 New Development
DM2 Design and Placemaking
DM3 Infrastructure Provision
DM7 Affordable Housing
DM12 Provision of Outdoor Sport and Play Facilities
DM13 Protection of Open Space
DM14 Biodiversity Protection and Enhancement
DM15 Protection and Enhancement of the Green Infrastructure
SB1 Settlement Boundaries
ENV3.147 Sites of Importance for Nature Conservation

Supplementary Planning Guidance

Access, Car Parking and Design (March 2014)

Interim Planning Obligations SPG (2012)

PPW & TANs:

Planning Policy Wales Edition 12 (February 2024)

Future Wales The National Plan 2040

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 now forms part of the Development Plan. The specific purpose of Future Wales is to support the delivery of Welsh Government strategic aims and policies.

5.3 The relevant policies in relation to this development are Policies 1 and 2. Policy 1 promotes continued growth and regeneration in the area. Policy 2 supports a rich mix of residential, commercial and community uses within close proximity to each other and to create activity throughout the day to enable

people to walk and cycle rather than being reliant on travelling by car. Being mindful of the nature of the proposal and its location, the application is considered compliant with these policies.

- 5.4 Future Wales is supported by PPW 12 (February 2024). The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales as required by the Well-being of Future Generations (Wales) Act 2015.
- 5.5 The Blaenau Gwent LDP indicates that the site is not allocated but is located within the settlement boundary within which development is normally permitted subject to other policies within the plan and material considerations (Policy SB1).
- 5.6 Policy SP4 of Blaenau Gwent LDP provides a framework for the delivery of 3,907 new dwellings in Blaenau Gwent over the plan period. The LDP seeks to deliver a mix of dwelling types, sizes and tenure, including at least 335 affordable dwellings in order to meet the need of Blaenau Gwent's current and future population. Policy SP5 states that in order to create a network of sustainable linked hubs provision for 696 new dwellings will be located in Tredegar.
- 5.7 As the site is not allocated, it is considered a windfall development. Being mindful that the application proposes a mix of 1, 2, 4 and 5 bedroom properties of varying tenures, it is considered that the development would contribute to housing requirements and the delivery of dwellings in the Borough, in compliance with policies SP4 and SP5.
- 5.8 In terms of compatibility, the site is located within a predominantly residential area, with existing leisure use and industrial uses in close proximity. It is noted that the presence of the leisure and industrial uses were considered in relation to the previous outline. In this instance given the scale and nature of the leisure use to the west and its existing position relative to numerous other dwellings, it is considered that it is unlikely to have unacceptable impacts in terms of noise and disturbance on the proposal.
- 5.9 With regards to impacts from the industrial use to the east, it is noted that the Council's Environmental Health Officer has recommended that a noise assessment be secured by condition. It is noted that the noise assessment undertaken as part of application C/2022/0309 for a residential development on land to the east of the site and the existing commercial use, which has dwellings closer to the commercial use than this proposal, concluded that

noise is not anticipated to cause any unacceptable impacts on the amenity of future residents.

- 5.10 Having regard to the above and the positive and material precedent that has been established by the granting of the outline permission, the principle of development is considered to be in accordance with national and local planning policy.
- 5.11 Protection of Open Space
- 5.12 The application site was previously a sport pitch used as part of Ashvale Sports Club. Planning Policy Wales (PPW), paragraph 4.5.5 states that Planning authorities should protect playing fields and open spaces which have significant amenity or recreational value to local communities from development.
- 5.13 Technical Advice Note (TAN) 16 Sport, Recreation and Open Space paragraph 3.7 states that only where [playing fields] can be shown that there is no deficiency, should the possibility of their use for alternative development be considered. Playing field loss will need to be justified in relation to policies in the Local Development Plan and be consistent with the findings of the Open Space Assessment. Paragraph 3.12 relates to open space particularly that with amenity, nature conservation or recreational value which should be protected. Local Planning Authorities should identify these areas in the development plan and establish criteria against which sites should be assessed if development pressures arise. It is important that urban vacant and underused land is not unnecessarily protected from development where the land is not of significant amenity, nature conservation or recreational value, as it may potentially relieve development pressures in more sustainable locations.
- 5.14 The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 paragraph 7.3 and 7.10 states that if the playing field has not been used in the last 5 years it would not be subject to specific requirements relating to regulations (5-10) on disposal and would fall under the definition of Open Space Land. It will need to be demonstrated that the sports pitch has not been used to host organised games by sports clubs within the last 5 years. Whilst these regulations do not apply to this site they provide an indication of Welsh Government's views on the issue of release of such land.
- 5.15 Policy DM13 Protection of Open Space is relevant to this proposal and states that development which affects existing Open Space will only be permitted where it can be demonstrated that the site has no amenity, nature

conservation or recreational value and that there is a surplus of such facilities in the locality.

- 5.16 An annual Open Space Assessment study is produced by the Council which relates to specific leisure provisions within the Borough such as parks, tennis courts, bowling greens etc. Although there is a Borough wide deficit, the 2023 study demonstrates that there is a surplus of 0.14ha of land identified as outdoor playing fields in the Tredegar Central and West Ward. The Design and Access Statement states that the playing field has not been used for 10 years and that the actual playing surface has an overall fall in excess of 3 metres and is not compliant with any current sports pitch standards. In 2007, the sports pitch was abandoned due to poor irrigation and lack of drainage. Games were regularly cancelled due to waterlogged surfaces.
- 5.17 Considering the above, the use of the land for alternative purposes is considered compliant with national and local planning policy and has been positively established by the granting of the outline permission.
- 5.18 Layout, Scale and Appearance
- 5.19 The site measures 1.1ha and based on the average density identified in the LDP of 35 per hectare the site has the potential to provide 35 houses. The provision of 20 dwellings on the site is therefore a low-density development. However, given the need to ensure adequate access, provision of areas of open space and attenuation areas for SUDs in conjunction with the location of the site on the edge of the settlement and a desire to blend in with the adjacent country park, the lower density proposed is considered acceptable in this instance. Overall, the number of properties is considered to represent an efficient use of the site which achieves the aims of placemaking and will provide much needed open market and affordable housing within the area.
- 5.20 The levels of the proposed roads and dwellings have been designed to follow the topography of the site. In terms of layout the development would have a single point of access that would branch off to provide two cul-de-sacs with associated footways and links to existing public right of ways (PRoWs). Being mindful of the self-contained nature of the site with its limited connection with the wider area, the use of inward facing dwellings on the is considered acceptable in this instance.
- 5.21 It is considered that the layout proposed provides for adequate garden/amenity space and dedicated parking provision for all the proposed units (the flats have shared garden space).

- 5.22 The parking provision has been split between frontage and side parking with green spaces punctuating areas of fronting parking so as not to dominate the frontage of the dwellings with hard landscaping.
- 5.23 Although the floor levels of the proposed dwellings would be raised relative to those in Griffiths Gardens, it is considered that sufficient separation distances between existing and proposed dwellings and boundary treatments would help prevent unacceptable overlooking, increased overshadowing and overbearing impacts.
- 5.24 In terms of scale and appearance the scheme proposes a mix of detached and semi detached, two- two and half storey dwellings which are considered of an appropriate scale relative to the confines and position of the site. A simple material palette with a range of designs has been proposed that allows the design to be both visually interesting and distinct enough to offer visual appeal.
- 5.25 Boundaries which are highly visible within the public realm are to be completed in brick to create a more attractive street scene. It is noted that a section of the north-eastern boundary adjacent to the footpath leading to Parc Bryn Bach would be defined by a retaining wall with brick boundary above. However, the majority of the boundary would be defined by new hedgerow planting which will help screen and soften the appearance of the development and ensure that the path to Parc Bryn Bach retains its rural character. Frontages of the site are very open which creates an attractive street scene. To ensure that no unacceptable development occurs from future residents exercising Permitted Development Rights a condition removing permitted development rights for any gates, walls and fences could be added to any grant of consent.
- 5.26 Overall, it is considered that the layout, scale and appearance of the proposed development complies with Policy DM1(2a, b, and c) and DM2 of the LDP which seeks to ensure that new development proposals enhance and respect their surroundings and contribute to local identity.
- 5.27 Access
- 5.28 Access to the site will be gained via Griffiths Gardens. This was a particular area of concern for Members as part of the previous outline application with the reason for refusal referring to the capacity and functioning of the highway network, in particular the capacity of Griffiths Gardens, visibility splays and the implications of the additional traffic on highway safety. As part of this application the Ward Member has requested that careful consideration be given to this matter again.

- 5.29 As part of the appeal decision the Inspector noted that whilst on street parking limits the width of the highway to that of a single width carriageway, Griffiths Gardens does have good forward visibility and is relatively short in length. Accordingly, vehicles using the highway would be aware of oncoming vehicles and act accordingly. In any event if a car had to reverse this would only be for a short distance and given the good visibility along this stretch of road, drivers would be able to find an appropriate space to wait to allow a vehicle to pass by. Whilst the Inspector accepted that cars parked across pavements locally, can lead to pedestrians having to use the carriageway, particularly those with prams/pushchairs and those using wheelchairs/mobility scooters, it was concluded that the proposal would not lead to an increase in on-street parking and no evidence of vehicle or pedestrian accidents in the vicinity of the site, to indicate that the manoeuvring of vehicles would compromise highway safety was presented as part of the appeal.
- 5.30 Given the proposed cul-de-sac arrangement, the Inspector noted that traffic would be limited to those seeking access to their properties and the sports club. Accordingly, given the low level of traffic movements along Griffiths Gardens and the amount of traffic likely to be generated, the Inspector concluded that the proposal would not have such an impact on highway capacity to warrant the withholding of planning permission on this ground.
- 5.31 With regards to the current application, it is noted that whilst an increased number of dwellings is proposed, the conclusions drawn by the inspector remain applicable.
- 5.32 Given the layout proposed it is considered that the site would be self-serving in terms of parking provision and that traffic movements through Griffiths Garden would be limited to those seeking access to their properties and the sports club. As such it is considered that the proposal would not generate any increased on-street parking demand, by default existing residents may be able to park within the development and the impact generated by increased traffic movements would not be so detrimental to highway safety to warrant refusal of the application on such grounds. Whilst it is appreciated that construction traffic may cause some disturbance on the highway network, this is inevitable with any development but would be short term in effect.
- 5.33 Following consultation, the Highway Authority has confirmed they have no objections, subject to the imposition of conditions and informatives.
- 5.34 Policy SP9 of the LDP - Active and Healthy Communities is relevant to this application in terms of pedestrian access due to the proximity of a PRoW to the east of the site. The policy requires that to create active and healthy

communities the Council will protect and enhance accessibility to natural greenspaces. It is acknowledged that the site layout plan has regard to the existing PRow and has provided a link through the site.

- 5.35 Based on the above and being mindful of the Inspectors decision and the response from the Highways Manager, it is considered that the subject to conditions, the development would not have detrimental impact on the highway safety and free flow of traffic and is compliant with the requirements of LDP policy DM 1 (3 a, b, c & d),
- 5.36 Landscaping, Trees and Ecology
- 5.37 The site is in close proximity to the Site of Importance Nature Conservation (SINC) at Parc Bryn Bach (Policy ENV3.47).
- 5.38 Criterion 2 of Policy DM14- Biodiversity Protection and Enhancement states that development proposals will only be permitted within, or in close proximity to sites designated as SINC, and Local Nature Reserves, or that affect ecological corridors and Priority Habitats and Species, where either it maintains or enhances the ecological or geological importance of the designation and species, or the need for the development outweighs the conservation importance of the site / species and it can be demonstrated that the development cannot be reasonably located elsewhere and compensatory provision will be made equivalent to that lost as a result of the development.
- 5.39 Policy DM15 Protection and Enhancement of the Green Infrastructure permits development proposals where they facilitate connections to strategic and Local Green Infrastructure and where appropriate, they create natural open space and features to enhance linkages between the Green Infrastructure.
- 5.40 Policy DM16 Trees, Woodlands and Hedgerow Protection seeks to ensure there will be no unacceptable harm to trees, woodlands and hedgerows that have natural heritage value or contribute to the character or amenity of a particular locality.
- 5.41 As specified above, the site has lastly been used for grazing and is bound by post and wire fencing with little meaningful green infrastructure evident. A detailed landscaping scheme has been submitted with the application, which is supplemented by an Ecological Assessment and Green Infrastructure Statement. The documents detail the provision of rain gardens, shrub, tree and hedgerows planting around and within the site as well as wildflower areas adjacent to the SuDS features. A connection to the adjacent footpath, which provides access to Parc Bryn Bach is also proposed.

- 5.42 Following consultation the Council's Landscape/Arboriculture Officer, has advised that the landscape design, specification and management plan appear generally acceptable, but has requested that the street trees have a minimum girth of 18-20cm girth. It is considered that these details can be conditioned and will also be managed through the SAB regime.
- 5.43 Welsh Government requires new development to provide not only ecological mitigation but also enhancement. The Ecological Assessment was considered sufficient to inform the required mitigation for the site.
- 5.44 The report concludes that the site comprises semi-improved grassland, tall ruderal and scrub with Japanese knotweed identified on the northern boundary. There were no waterbodies on or immediately adjacent to the site which could be suitable for use by breeding great crested newts (or other amphibians) and no evidence of badger activity within or immediately adjacent to the site boundary. Whilst all areas of scrub will be utilised by nesting birds during the breeding season, there is no habitat suitable for ground nesting species and the site provides limited habitat opportunities for reptiles.
- 5.45 Given the baseline data provided by the assessment, it is considered that the landscaping proposals will achieve net gains for biodiversity and green infrastructure provision and will enhance opportunities for connectivity. A condition could be imposed for a detailed planting schedule to be submitted to ensure appropriate species are planted to enhance biodiversity on the site.
- 5.46 Following consultation, the Council's Ecologist has advised that amendments have been made to the Preliminary Ecological Appraisal and the report is acceptable. However, a Construction Environmental Management Plan (CEMP) and Japanese Knotweed eradication plan will be required. It is considered that these details can be satisfactorily secured by condition.
- 5.47 Based on the above, subject to the imposition of conditions the application is considered compliant with the national policy and the relevant requirements of LDP policies DM14, DM15 and DM16.
- 5.48 Land Stability
- 5.49 The Ward Member has raised concerns with regards to the stability of the site.
- 5.50 It is acknowledged that the application site falls within the Coal Authority's defined Development High Risk Area with a Coal Mining Risk Assessment and

Site Investigation report, prepared by Geotechnique Ltd submitted in support of the proposal.

- 5.51 Following consultation, The Coal Authority have advised that they concur with the supporting documents, advising that coal mining legacy poses a risk to the proposed development and that remedial works to treat a recorded mine entry (shaft) are considered necessary to ensure the safety and stability of the development, prior to commencement of construction. A number of conditions are therefore recommended.
- 5.52 The Service Manager Infrastructure has raised no objections to the development proposed, again subject to conditions to secure the appropriate treatment and stability of the development.
- 5.53 Subject to the imposition of the recommended the conditions, the application is considered compliant with LDP policy DM1(2i).
- 5.54 Contaminated Land
- 5.55 The site investigation report by Integral Geotechnique, identified the presence of elevated contaminants in the soil. The report recommends remedial works to address these contamination issues. It also recommends that ground gas monitoring is carried out and a ground gas risk assessment be completed.
- 5.56 Following consultation, the Council's Environmental Health Officer has raised no objection to the application subject to conditions requiring remediation details to be submitted and approved by the LPA. Subject to the imposition of such conditions the application is considered compliant with LDP Policy DM1.2(j).
- 5.57 Drainage
- 5.58 The submitted Planning Statement confirms that foul drainage will connect to the existing foul sewer network. Dwr Cymru Welsh Water (DCWW) has confirmed there is capacity in the network to accept domestic foul.
- 5.59 Conditions and informatives to exercise control over connections to public sewers in respect of foul and surface will also be necessary.
- 5.60 As part of the response the Ward Member has raised concerns that the development will lead to increased flooding of streets around the site. Since 7th January 2019, development proposals that have a hard surface area that exceeds 100m² require separate SAB approval to deal with surface water

drainage. This development exceeds this threshold and accordingly requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems'.

- 5.61 As part of the SAB application the developer also has a duty to provide betterment in terms of surface water run-off from the site in addition to biodiversity, ecology and amenity benefits. In light of this additional control and consenting regime, it is considered that surface water from the site will be adequately controlled and will ensure that the development does not cause or exacerbate surface water flooding elsewhere.
- 5.62 Considering the above, the application is considered compliant with the relevant requirements of LDP DM1.
- 5.63 DM4 Low and Zero Carbon Energy
- 5.64 The Council will encourage major development proposals to incorporate schemes which generate energy from renewable and low/zero carbon technologies. Policy DM4 defines major development proposals as 100 or more homes and / or provision of 1,000 sq m or over of floorspace. Paragraph 7.39 of the Plan requires energy statements to be prepared for all major development proposals to examine the potential for renewable energy generation and/or low /zero carbon technologies on-site and, where appropriate the sharing of renewable energy with the wider community.
- 5.65 Although this proposal is only for 20 houses, the floor space will exceed 1000sqm. Accordingly, an energy statement has been submitted with the application which confirms that the scheme will proceed on a material first basis. Details of low and zero carbon energy systems (to include heating options) to be installed as part of the works could be secured by condition. Building Regulations legislation will also seek to reduce carbon emissions through build design.
- 5.66 Noise/ Dust/ General Disturbance
- 5.67 The construction phase of the development can be controlled through a condition requiring a Construction Environment Management Plan (CEMP). An approved CEMP will ensure that the day-to-day operation of the site can be controlled including hours of operation, dust and noise mitigation measures.
- 5.68 It is considered that the provision of an additional 20 residential properties in an existing residential area will not give rise to a level of disturbance that could be considered unacceptable.

5.69 Planning Obligations

5.70 Policy DM3 requires new development to meet the infrastructure needs that it generates including the improvement or provision of infrastructure, services and community facilities.

5.71 The proposed development has generated the need for the three distinct planning obligations: the provision of affordable housing and financial contributions to education and leisure.

5.72 Policy DM7 requires at least 10% of the dwellings proposed to be secured as affordable housing on all sites that:

- Contain 10 or more dwellings; or
- Exceeds 0.28ha in gross site area; or
- Exceeds the thresholds in (a) or (b) above for adjacent sites.

5.73 As part of this application, three units of accommodation – one two bed dwelling and two one-bedroom flats are proposed as affordable with the applicant willing to enter into a Section 106 agreement to secure the provision. The proposal is therefore considered compliant with TAN: 2, LDP policy DM7 and the Planning Obligations SPG.

5.74 With regard to education the Education Department has requested £37,752 towards primary education and £57,684.00 towards Secondary Education, whilst the Leisure Department have requested £69,760, to upgrade/ refurbish play areas within the ward.

5.75 Following review and consideration the Applicant has confirmed that they are willing to enter into a Section 106 legal agreement to make the contribution.

5.76 Conclusion

5.77 In summary, the proposed residential development is considered acceptable in land use terms and has been positively established by the granting of outline permission in the same Plan period. It is considered that the development would not have an unacceptable impact on the character and appearance of the surrounding area, the amenity of the surrounding properties or the safe, effective, and efficient use of the highway network. It is also considered the proposal would contribute towards housing supply within the borough and would enhance green infrastructure connections and the ecological value of the site.

6.0 Legislative Obligations

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

7.0 Conclusion and Recommendation

- 7.1 It is considered that the development proposal is acceptable and complies with relevant national and local planning policy. Accordingly, it is recommended, subject to the applicant entering into a S106 agreement to provide the contributions outlined above, that planning permission be granted subject to the conditions and informatives detailed below.
- 7.2 If the applicant fails to make meaningful progress or enter into the agreement, within 6 months of the date of this Committee, it is requested that Members give delegated authority to the Service Manager Development Services to refuse the application based on reason(s) associated with the need for the agreement.
- 7.3 Conditions:
- 1 Time limit full
 - 2 Approved plans
 - 3 No works shall be undertaken until a ground gas risk assessment and ground gas monitoring programme have been submitted to an approved in writing by the Local Planning Department.

The development shall only proceed in accordance with the approved plans and shall be maintained as such thereafter.

Reason: To ensure that the development is implemented in a manner that gives due regard to ground contamination issues. In compliance with the relevant requirements of LDP policy DM1.

- 4 No development shall take place (including demolition, 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;
 - e) the location and timing of sensitive works to avoid harm to biodiversity features;
 - f) the times during construction when specialist ecologist need to be present on site to oversee works;
 - g) responsible persons and lines of communication;
 - h) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and
 - i) 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. In compliance with the relevant requirements of LDP policy SP10.

- 5 No development shall take place (including demolition, ground works or vegetation clearance) until a Japanese Knotweed eradication plan, including timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details and shall be maintained as such thereafter.

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

biodiversity. In compliance with the relevant requirements of LDP policy SP10.

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

Reason: To ensure the safety and stability of the development, in compliance with the relevant requirements of LDP Policy DM1.

- 7 Prior to the occupation of any part of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any further remediation works/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that any land stability issues are adequately dealt with and that ground stability issues are appropriately addressed. To ensure adequate regard has been given to ground conditions in carrying out development, in compliance with the relevant requirements of LDP Policy DM1.

- 8 If during the course of development, any unexpected land instability issues are found which were not identified in the approved site investigation referred to in condition 2, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures which shall be retained (for the period agreed in the remediation scheme/in perpetuity).

Reason: To ensure that any unexpected land stability issues are adequately dealt with and that ground stability issues are appropriately addressed. In compliance with the relevant requirements of LDP policy DM1.

- 9 All works undertaken shall be in full accordance with the recommendations contained in the site investigation report- Integral Geotechnique entitled land adjacent to Woodlands Club, Ashvale, Tredegar, Reference 12534/GNS/19/SI, dated October 2019.

The development hereby approved shall not be brought into use until all the measures identified as necessary to decontaminate the site, as contained in a report that is approved in writing by the Local Planning Authority, are implemented and the Authority is provided with a validation report signed by a suitably qualified person that confirms that such measures and/or works have been fully implemented.

Reason: To ensure that site contamination issues are addressed and appropriate remediation measures are implemented. In compliance with the relevant requirements of LDP policy DM1.

- 10 If, during the course of development, any contamination is found which has not been identified in the site investigation approved by condition 2, 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 in compliance with the relevant requirements of LDP policy DM 1.

- 11 Prior to the commencement of development, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment should utilise guidance set out in TAN 11, BS 4142 (2014), and BS 8233 (2014) in determining any impact on the proposed development from external noise sources and should identify any mitigation measures necessary to reduce noise impacts to an acceptable level if appropriate.

Reason: The proposed development is adjacent to an operating factory. In the interests of the residential amenity of the residents of

the development, in compliance with the relevant requirements of LPD policy DM1.

- 12 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:
- a) the parking of vehicles of site operatives and visitors;
 - b) traffic movements for the delivery of materials;
 - c) wheel washing facilities;
 - d) storage of plant and materials used during construction;
 - e) the erection and maintenance of any security hoarding;
 - f) measures to control the emissions of dust and dirt during construction;
 - g) a scheme for the recycling/disposal of waste resulting from construction; and
 - h) the siting and details of any construction compound.

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

Reason: To safeguard local amenity interests and to ensure that the impacts of the construction phase of the development are appropriately and adequately addressed in compliance with the relevant requirements of LDP Policy DM1.

- 13 Notwithstanding any details indicated on the approved plans, no works shall commence on site with the exception of any ground remediations works until details are submitted to and approved in writing by the Local Planning Authority of any retaining walls/ structures or works required in association with the construction of the development hereby approved. Any details of retaining walls/ structures or works that will exceed 1.5m in height must also include a certificate signed by a suitably qualified engineer that shall verify the structural integrity of the proposed works. All works shall be undertaken and completed in full accordance with such details and specifications as may be approved before the dwellings to which they relate are brought into use.

Reason: To safeguard the integrity of any retaining works required in association with the approved development and to safeguard visual amenity interests. In compliance with the relevant requirements of LDP policy DM1.

- 14 No development (with the exception of ground remediation works) shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

- 15 Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan shall include:
- Details of the siting and type of external lighting to be used;
 - Drawings setting out light spillage in key sensitive areas, in particular the retained habitats along the southern and eastern boundaries of the site;
 - Details of lighting to be used both during construction and operation.

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

Reason: To ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, and their habitats and commuting corridors and for highway safety reasons. In compliance with the relevant requirements of LDP policy SP10 and DM14.

- 16 Prior to the laying of the first slab details of:
- the plant specification;
 - ground preparation;
 - timescale for implementation; and
 - and management/maintenance plans for the landscape strategy hereby approved shall be submitted and approved in writing by the Local Planning Authority.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out/installed in accordance with the approved timescale for implementation. Any trees, shrubs or plants which within a period of 5 years from implementation of the planting scheme die, are removed or become seriously damaged or

diseased, shall be replaced by one of the same species and size in the next available planting season.

Reason: To ensure timely implementation of an appropriate landscaping scheme in compliance with the relevant requirements of LDP policies SP10 and DM1.

- 17 Prior to the laying of the first slab, details of the sustainable drainage areas shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- a) Boundary treatments
 - b) Planting
 - c) Timescale for implementation
 - d) Management details for a minimum of 5 years

The development shall only proceed in accordance with the approved plans and maintained as such thereafter.

Reason: To ensure the areas are provided and managed in a satisfactory manner and does not prejudice residential amenities or the visual amenities of the area. In compliance with the relevant requirements of LDP policy DM1

- 18 Prior to the first beneficial occupation of any part of the site, details of EV charging systems to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details and shall be maintained as such thereafter.

Reason: In the interest of the sustainability of the site, in compliance with the relevant requirements of LDP policy DM4.

- 19 No development shall be carried out other than between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interest of residential amenity in compliance with the relevant requirements of LDP Policy DM1.

- 20 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. In compliance with the relevant requirements of LDP policy DM1.

- 21 The dwellings shall not be occupied until the following works have been completed:
- a. The roads and footways serving the development are to be constructed to a minimum of binder course level and street lighting energised.
 - b. The off-street parking areas for individual dwellings have been fully constructed and
 - c. The proposed footpath linking the development to the PRoW has been constructed.

Reason: In the interests of pedestrian and vehicular safety of the site and to ensure the parking needs of the development are adequately met. In compliance with the relevant requirements of LDP policy DM1.

- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking or re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than those expressly authorised by this permission) shall be erected within the curtilage of the dwelling houses.

Reason: In view of the need to retain effective planning control of the site in the interests of visual amenity, in compliance with the relevant requirements of LDP Policy DM1.

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

Reason: To protect the privacy and amenities of the occupants of the dwellings hereby approved and the visual amenities of the area, in compliance with the relevant requirements of LDP Policy DM1.

- 24 Prior to installation, details of any low and zero carbon energy systems to including heating options shall be submitted to and

approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be maintained as such thereafter.

Reason: To ensure an acceptable form of development and to reduce energy demand, in compliance with the relevant requirements of LDP policy DM4.

- 25 Prior to the installation of any bin stores, sheds or other minor structures, details must be submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with such details as may be approved.

Reason: To ensure an acceptable form of development, in compliance with the relevant requirements of LDP Policy DM1.

Informatives:

- 1 The developer is reminded of their obligation under the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 to give notification of commencement of development to the Local Planning Authority and to display a notice at all times when the development is being carried out.
- 2 This planning permission does not grant the right to close, alter or build over a right of way in any way, even temporarily, this includes, for example, a change in the surface, width or location. It is a criminal offence to obstruct a right of way unless the necessary legal order has been made, confirmed and brought into effect. The applicant is advised to contact the Team Manager of Natural Environment to discuss any amendments to the existing Public Rights of Way.
- 3 As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'.
It is therefore recommended that the developer engage in consultation with Caerphilly County Borough Council, as the determining SuDS Approval Body (SAB), in relation to their

proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

- 4 The roads and footways serving the development will be subject to a S38 Agreement for adoption and be in full compliance with the highway authority construction design standards, incorporating a fully SAB compliant highway drainage scheme, street lighting etc.

- 5 Hedgehog passes in the development boundaries and between gardens should be provided. Passes are a 13x13cm hole cut to enable access for hedgehogs. Consider the use of bee bricks <https://www.greenandblue.co.uk/products/bee-brick> to be incorporated in the buildings design.
- 6 All wild birds, their nests and their eggs are protected under the Wildlife and Countryside Act 1981 (as amended). All British bat species are protected under the Conservation of Habitats and Species Regulations 2010 (as amended), known as the 'Habitats Regulations'. Under the Habitats Regulations, it is an offence if you:
 - Deliberately capture, injure or kill any wild animal of a European Protected Species,
 - Deliberately disturb wild animals of any such species,
 - Damage or destroy a breeding site or resting place of such an animal.

8.0 Risk Implications

8.1 None