

PREFACE ITEM

APPLICATION NO. 16/0899/FULL

APPLICANT(S) NAME: Weststar Developments

PROPOSAL: Re-develop and refurbish existing factory building(s) into a food/pharmaceutical/high care manufacturing facility, existing use class of building is B2, with some ancillary elements of B1 & B8

LOCATION: Factory Unit Pengam Road Aberbargoed Bargoed CF81 9FW

This application for an extension of a factory was reported to Committee on 8th February 2017 and was deferred for further information regarding the identification of the future occupier of the building. A copy of the previous report is attached before reporting that information it is necessary to explain that there has been some confusion which has arisen from the description of the development, which was:

“Re-develop and refurbish existing factory building(s) into a food/pharmaceutical/high care manufacturing facility, existing use class of building is B2, with some ancillary elements of B1 & B8”.

The description sought to clarify that the proposed use would remain in the same class as the extant lawful use. This has though created the impression that the proposed development included a change of use; it does not. This application is solely for building works associated with the refurbishment of an existing factory unit and principally those works include the raising of the height of the building.

As mentioned the applicant has been requested to provide further information regarding the future occupier of the building. The applicant has responded and explains there is concern that this application, “appears to be being unfairly judged against the previous perceived issues with the site under an historic tenant, issues that not only does the current application have nothing to do with but also in many instances seeks to resolve”. With regard to the request for specific information regarding the future occupier it is explained that this is not an application for a change of use, and thus the information required is “not relevant towards the determination of the proposals”.

It is further explained that the building already has a lawful B2 use, thus any proposed tenant could occupy the building, “tomorrow and start manufacturing, without the need for a planning permission”. What this “application seeks to do is change the height of the building and generally re-clad to greatly improve its appearance, in order to make it

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a more viable, versatile and attractive prospect for any potential tenant.” It is understood that the reason for the request for further information has arisen from a misunderstanding that the application included a proposed change of use and this is partly due to a confusion in the wording of the planning application when it was first submitted. The applicant therefore is willing to amend the wording to better suit the proposal. The suggested amended wording is: ‘Increase in height, re-cladding and general refurbishment of existing B2 Factory building’, or similar, to make it clearer that there is no change of use proposed (or necessary) as part of this application.

From the information provided above it is clear that the applicant is not in a position to identify a future occupier; however, as has been explained this is not a necessary planning requirement for the refurbishment of an existing building where no change of use is proposed.

At the previous meeting it was explained verbally that the Environmental Health Department have recommended further conditions. Those conditions are provided at the end of this preface item together with an additional condition in accordance with members’ concerns regarding the need to agree details of the sound insulation of the building.

Comments have been received from the Council’s Ecologist who raises no objection and recommends a bird nesting condition that is included in the list at the end of this item.

Comments have also been received from Dwr Cymru/Welsh Water who have two recommendations. The first is that if the roof area is increased there should not be any additional surface water flows into the public sewerage system. As has been explained the building is not increased in size and the layout of the site remains significantly unaltered. The second recommendation relates to the perceived change of use that has already caused confusion. The recommendation is that a grease trap should be fitted before the “approved use” commences. Because there is no proposed change of use this condition does not relate to the proposed development. The recommendations of Dwr Cymru/Welsh Water do not therefore require any additional conditions.

As reported verbally at the previous committee if members are minded to grant planning permission the recommended condition No 7 which relates to flues would benefit from additional wording to include the provisions of the Town and Country Planning General Permitted Development Order.

RECOMMENDATION: That planning permission is GRANTED in accordance with the attached report and subject to the additional conditions listed below.

Additional Conditions:

Prior to the commencement of the development hereby approved a scheme of noise insulation of the refurbished building shall be submitted to and agreed in writing with the

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Local Planning Authority. The development shall be completed in accordance with the agreed details.

REASON: In the interest of the residential amenity of near by dwellings.

Prior to the commencement of the development hereby approved a scheme to deal with the contamination of the site within any areas that are to be disturbed by excavation shall be submitted to and agreed in writing with the Local Planning Authority. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and measures to be taken to avoid risk to the occupants of the development. The development shall be completed in accordance with the agreed details.

REASON: In the interest of public health.

A report or reports verifying that the contamination remediation required above has been completed shall be submitted to and agreed in writing in writing by the Local Planning Authority before any relevant part of the refurbished building is reoccupied.

REASON: In the interest of public health.

Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

REASON: To prevent contamination of the application site in the interests of public health.

Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of the development hereby approved arrangements for the storage and collection and disposal of commercial waste shall be submitted to and agreed in writing in writing by the Local Planning Authority.

REASON: In the interest of public health.

Prior to the commencement of the development hereby approved, details of the provision of nesting sites for bird species (Swift, House Martin, House Sparrow or Starling) to be sited on the refurbished building (North and East facing), shall be submitted to and agreed in writing with the Local Planning Authority. The agreed details shall be implemented concurrently with the refurbishment of the building extension hereby approved.

REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0899/FULL 05.01.2017	Weststar Developments Mr P Benson 24-26 Chapel Street Marlow SL7 1DD	Re-develop and refurbish existing factory building(s) into a food/pharmaceutical/high care manufacturing facility, existing use class of building is B2, with some ancillary elements of B1 & B8 Factory Unit Pengam Road Aberbargoed Bargoed CF81 9FW

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is a large employment unit that lies to the northern extremity of the Bowen Industrial Estate.

Site Description: The site is a large extant factory unit with external parking and access. There is one main building that is approximately rectangular to the centre of the site; to the north are residential properties (Marsh Court); to the east is countryside; to the west is open, looking out towards the town of Bargoed; and to the south is the Bowen Industrial Estate.

Development: The refurbishment of the existing building including two minor loading bay extensions and the removal of some external buildings and storage containers. The floor layout of the main building indicates an internal manufacturing process with storage and office areas.

Dimensions: The existing main building footprint is circa 10500 square metres. The proposed footprint removes some of the existing extensions and includes two new loading bays but the overall footprint remains virtually the same. The height of the building is raised from 5.85 metres at the eaves to 12.8 metres, and 10.7 metres to 17.5 metres at the three roof ridges.

Materials: The main building is to be re-clad in grey and grey/white steel sheeting. It will be mainly windowless except for the southern section where there will be office windows facing the front looking out westwards towards Bargoed and some to the south facing the industrial estate.

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Ancillary development, e.g. parking: 115 car parking spaces are indicated in the proposed layout, some are new and replace existing plant that is to be removed, but mostly the spaces occupy the previous car parking areas.

PLANNING HISTORY 2005 TO PRESENT

P/05/0407 - Construct additional production space, new reception and associated meeting rooms and labs - Granted 15.09.05.

P/05/1631 - Replace storage facility, external plans and associated works - Granted 30.03.06.

06/0748/FULL - Erect silo container - Granted 25.01.07.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Employment Land allocation EM2.6 Bowen Industrial Estate.

Policies: CW2 Amenity.

NATIONAL POLICY Planning Policy Wales states as follows:

" 7.6.1 Local Planning Authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses Authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:

- the numbers and types of jobs expected to be created or retained on the site;
- whether and how far the development will help redress economic disadvantage of support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;
- a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.

7.6.2 When considering planning applications which have economic development potential, Local Planning Authorities should seek the views of all relevant Local Authority Departments and particularly from Economic Development Officers as this can assist in the identification of economic benefits.

7.6.3 Employment and residential uses can be compatible and Local Planning Authorities should have regard to the proximity and compatibility of proposed residential development adjacent to existing industrial and commercial uses to ensure that both amenity and economic development opportunities are not compromised."

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ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No - The existing building is not within a high risk area although part of the existing access is.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions requiring the completion of the parking areas in permanent materials.

Head Of Public Protection - This application as submitted does not show any external plant, ventilation or flues. The applicant has been asked if there is to be any such additions but could not provide anything other than indicative plans of flues, therefore the Environmental Health Department do not offer any comment at this stage.

Senior Engineer (Land Drainage) - It is noted that the applicant has provided only limited information regarding the discharge of surface water, therefore a condition should be imposed to require the agreement of the details of drainage.

Countryside And Landscape Services - It is pointed out that the increase in height of the building raises the need to introduce significant additional landscaping to break up its mass and protect more distant views.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and 29 neighbouring properties have been consulted.

Response: Seven responses have been received.

Summary of observations:

- There is objection to the continued B2 use of the site because it borders a residential area and is within an area of "Designated Scientific Interest" (DSI).
- It is explained that the B2 usage was granted before "DSI" classification and prior to the building of the residential estate, therefore a B1 usage would now be more appropriate due to changed circumstances. One writer suggests the site is part of a Conservation Area therefore the factory should be demolished.

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- The increased roofline and overspill car park will cause overlooking of nearby houses, reduce visual amenity and increase noise disturbance.
- The proposed screening is inadequate, particularly on the northwest corner and the complete western lower elevation. "Compulsory screening with dense foliage" is recommended to mitigate light, noise and air pollution and improve visual amenity.
- B8 external warehousing use is unsuitable given the close proximity to a residential area.
- The location of the north-west vehicle entrance, next to 41 Marsh Court, is inappropriate and not suitable for the movements of 115 cars or an unquantified number of HGV lorries and suppliers. The section of road immediately leading to the entrance will struggle to accommodate waiting and turning HGVs without posing a danger and blocking the road, leading to access difficulties for residents as this is the only access road to the housing estate. It is suggested that there should be an alternative access via the Bowen Industrial Estate with a new entrance to the South Elevation where the chemical store is currently situated. Another writer has suggested an additional entrance directly from the roundabout.
- There may be greater air pollution from the traffic and the plant itself compared to the previous owners.
- There may be light pollution from security lights.
- If there is additional noise from traffic should hours of operation be introduced? One writer implies that there should not be "unlimited" visits by HGVs.
- Drivers previously visiting the site would block the access to the residential estate.
- Previously drivers, allegedly not from the UK and overnighting on the access road, would use the drains as public urinals when children were going to school.
- Putting a large car park near the road will make the current "eyesore" look even worse.
- During the previous occupation there were many fires at the factory along with chemical spills that contaminated the local waterways.
- Property values will be affected.
- All the loading bays should be moved to the other side of the site away from residential areas. The writer explains that he and his wife are shift workers. Trying to sleep with noise from the site is impossible during the day.
- The proposed height extension would be above the current tree line and would significantly reduce the field of vision from the back of one of the properties.

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SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

It is not anticipated that the proposed development will have a material impact upon crime and disorder.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: This application is essentially for the refurbishment of an existing industrial unit. The description of the development includes mention of ancillary B1 and B8 uses but as they are ancillary to the existing B2 use there is no change of use involved. This application is therefore principally concerned with the physical alterations to the building. Those alterations involve the external appearance that will be significantly rationalised by the total recladding of the main building and raising its height by 6.95 metres at the eaves and 6.8 metres at the ridges. With regard to Policy CW2 it is to be noted that the proposed northern elevation has no openings facing the residential properties to the north. (The existing elevation has a number of door openings) This proposal will therefore remove some of the existing openings currently facing the residents. Not only are there no openings to the northern elevation there are new designed loading bays that face away from the dwellings

The design of the refurbished structure is much the same as many industrial buildings being a steel clad structure in shades of white/grey. The removal of some of the existing clutter and extensions will simplify it. The change in height of 6.8 metres at ridge level is significant and it will be approximately 47 to 55 metres from the nearest residential properties to the north. The impact upon those properties is discussed in more detail below with regard to concerns that have been raised by the residents. The building, and consequently the proposed changes would be very visible from Gilfach and Bargoed on the opposite side of the valley but in view of the intervening distance, no objection is raised. Additional planting on the western side of the building should be secured by condition.

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Comments from Consultees:

The Council's Landscape Architect points out that the increase in height of the building will result in significant increase in its massing. Additional screening to the northern boundary is shown in submitted indicative images, but it is the Landscape Architect's view that this should be taken further to include the western boundary to break up the massing. It is further recommended that any landscaping agreed by condition should be covered by a landscape management plan.

The submitted details do not include any external flues or ventilation systems (the current building appears to have a number of such systems). The applicants have been asked if they would wish to provide any such details at this stage for consideration. They are not able to provide details other than indicative locations of flues. This information would be insufficient to enable the Environmental Health Department to provide any details observations. The consideration of this application therefore proceeds upon the basis of the information submitted. A condition should be imposed to confirm that if there is an intention to install any such systems at a later stage the consent of the Local Planning Authority would be required.

The Senior Engineer (Land Drainage) recommends a condition to require the agreement of details of drainage.

The Transportation Engineering Manager recommends a condition to require the completion of the parking spaces in permanent materials.

Comments from public:

- It is stated that there is objection to the continued B2 (General Industry) use of the site because it borders a residential area. It is suggested that the site is within an area of "Designated Scientific Interest" (DSI) and a conservation area. However this application is not for a change of use therefore the cessation of the existing lawful use is not a planning consideration. It is to be noted that there are a number of nature designations, such as SSSI on land outside the application site but they do not include it. This site is allocated for employment. It is also to be noted that the site is allocated in the adopted development plan for employment (EM2.6) therefore the suggested removal of the use would be contrary to policy which protects the site for secondary employment use, i.e. B2 use.
- It is explained that the B2 usage was granted before "DSI" classification and prior to the building of the residential estate, therefore a B1 (Business) usage would now be more appropriate due to changed circumstances. Again as this is an application only for physical changes (operational development) a change of use is not a planning consideration and as mentioned the site is allocated in the development plan for B2 use.

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- It is stated that the increased roofline and overspill car park will cause overlooking of nearby houses, reduce visual amenity and increase noise disturbance. Whilst the increased roofline will have visual impact there is no reason to suppose that it would lead to increased noise or overlook any nearby houses as there are no windows in the elevation nearest to the dwellings. There is some additional car parking proposed but there is no reason to presume that it would give rise to unacceptable disturbance or overlooking. Arguably the additional parking gives rise to a visual improvement because it replaces tanks and other plant and an existing extension to the front of the building. The visual impact of the increased height is discussed below.
- It is suggested that the proposed screening is inadequate, particularly on the northwest corner and the complete western lower elevation. "Compulsory screening with dense foliage" is recommended to mitigate light, noise and air pollution and screening on the western boundary improving visual amenity. Whilst it does not necessarily follow that screening will have any material impact upon air pollution or noise mitigation, this observation is valid with regard to the additional screening measures that are discussed above as required by the Council's Landscape Architect.
- It is suggested B8 external warehousing is unsuitable given the close proximity to a residential area. It is not suggested in the submitted details that the warehousing element of this proposal will include external storage. The submitted details do indicate a high level internal storage system that utilises the new height of the building. A condition may be imposed to ensure that this remains the case.
- The location of the north-west vehicle entrance, next to 41 Marsh Court, is described as inappropriate and not suitable for the movements of 115 cars or an unquantified number of HGV lorries and suppliers. The objection goes on to explain that the section of road immediately leading to the entrance will struggle to accommodate waiting and turning HGVs without posing a danger and blocking the road, leading to access difficulties for residents as this is the only access road to the housing estate. It is suggested that there should be an alternative access via the Bowen Industrial Estate with a new entrance to the South Elevation where the chemical store is currently situated. This application does not though propose any changes to the existing lawful entrances and the suggested changes are not directly linked to the proposed alterations to the building. Requiring such changes to the entrances would not therefore be relevant to the development proposed.
- There may be greater air pollution from the traffic and the plant itself compared to the previous owners. This concern assumes there will be a significant increase in traffic. It is to be noted that the revised building has virtually the same footprint as the current building. From a planning perspective it should also be explained that the previous use was B2 and no change of use is currently proposed. Therefore in the absence of a significant change in floor area it would be unreasonable to seek to limit traffic. No limitation restricted the previous occupiers.

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- There may be light pollution from security lights. This is a valid concern as the building is higher and there may be an intention to illuminate it or attach lights to it. A condition should therefore be imposed.
- If there is additional noise from traffic should hours of operation be introduced? This question again raises the issue of there being a planning justification for introducing restrictions to an extant employment site. One writer implies that there should not be "unlimited" visits by HGVs. Such a restriction does not reasonably relate to the proposed development. The development does not propose a change of use or significantly alter the footprint of the building. It is for a refurbishment that by itself should not warrant such a restriction from a planning point of view.
- It is explained that drivers previously visiting the site would block the access to the residential estate. It is implied that the delays were significant for residents trying to get into and out from the estate. This may have arisen from the practice of overnighting explained below. Whatever the past reason the vehicles were waiting on the highway and not within the application site, if they were obstructing the highway that was a matter for the Police. At this point in time there is no particular reason to assume the future occupiers would allow the same practices; if they did this would again be a matter for the Police. It may also be something that the Highway Authority would have to consider if it arises with the new occupiers, i.e. the introduction of parking restrictions.
- Previously drivers, allegedly not from the UK and overnighting on the access road, would use the drains as public urinals when children were going to school. It is assumed these were drivers previously locked out and awaiting the opening of the factory. This should again be a matter for the Police.
- It is suggested that putting a large car park near the road will make the current "eyesore" look even worse. The suggestion that a large car park will make the currently vacant building look worse, does not take into account that the current proposal is to take away some of the less attractive features and completely refurbish the whole front elevation. It is also not entirely the case that there will be a new large car park. Whilst parking spaces will replace some of the less attractive features that are to be removed, there is already a large car park forward of the front albeit now in rather disused state. The proposed details show that particular area more neatly laid out with marked spaces but not significantly changed. The additional spaces run along the frontage of the building which is quite normal and it is not accepted that they would constitute an "eyesore". Such parking arrangements are commonplace.
- During the previous occupation there were many fires at the factory along with chemical spills that contaminated the local waterways. These previous incidents cannot prejudice the determination of this application.
- Property values will be affected. This is not a material planning consideration.

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- It is suggested in one response that all the loading bays should be moved to the other side of the site away from residential areas. This suggestion is impracticable as the far end of the building; is too narrow, there is insufficient curtilage and it would not allow deliveries into large areas of the building. Some openings closest to the dwellings are removed in the revised design. It should also be explained that the revised layout does propose two loading areas (with five bays in total) at the rear, both of which have doors facing away from the dwellings. The writer goes on to explain that he and his wife are shift workers, thus trying to sleep with noise from the site is impossible during the day. This application also does not propose any external activities that are outside the lawful use of the site.
- Finally, it is commented that the proposed extension would be above the current tree line and significantly reduce the field of vision from the rear. The existing factory is approximately 10.5 metres high to the ridges. The proposed height is approximately 17.5 metres high. The five nearest dwellings with windowed elevations facing the building are approximately 47 to 55 metres away. The land is not flat and the factory is slightly lower than the dwellings, but if they were on the same level the current building would be approximately similar in height impact to a three storey building and the proposed building would be approximately five storey at ridge level. In addition the dwellings at the eastern end of the boundary also enjoy tree screening. The separation of 47 to 55 metres between the rears of the houses and the factory means that although there will be a significant change in the outlook from the rear of these houses, it would not justify a refusal of planning permission. The submitted details indicate additional planting which should assist and should be required by condition, also those dwellings at the western end of the boundary are slightly off-set from the rear elevation and currently overlooking a storage area that would have to be removed to enable the additional planting.

Other material considerations:

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

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- 02) The development hereby approved shall be completed in accordance with the parking provisions as detailed in drawing number 216-A-100-LAY-910 Revision P1 received on 14 October 2016 and those parking spaces shall be completed and marked out in permanent materials (i.e. not loose stone). The spaces shall not thereafter be used for any purpose other than parking.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
- 03) The development shall be carried out in accordance with the following approved plans and documents: 216-A-100-LAY-910 Revision P1 received on 14 October 2016 216-A-100-LAY-906 Revision P1 received on 14 October 2016.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 04) Prior to the commencement of the development hereby approved a landscaping scheme and management plan shall be submitted to and agreed in writing by the Local Planning Authority. That scheme shall include the reinforcing of the tree and shrub screening to the northern boundary and additional tree and shrub planting along the western boundary. In particular the scheme shall include the removal of the hard surfaced storage area to the rear of numbers 39 to 41 Marsh Court for use as additional landscaping space as partially indicated in the proposed 3D Indicative Images drawing number 216-A-100-LAY-998 revision P1. The scheme shall seek to address the massing of the building from near and distant viewpoints. The agreed details shall be carried out in the first planting and/or seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. Those landscaped areas shall thereafter be maintained for landscaping only and shall not be used for storage, parking or any other use.
REASON: In the interests of the visual amenity of the area.
- 05) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no doors or other such openings, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.

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- 06) All storage and production shall be internal as indicated in the submitted details (Drawings Nos 216-A100-LAY-902 revision P1 and 216-A100-LAY-906 revision P1) and there shall be no external storage or manufacturing or operating of plant or machinery.
REASON: To retain effective control of the development hereby approved
- 07) The elevational details and plans hereby approved do not include any external flues, ventilation systems or other plant and machinery and no such additions shall be installed, constructed or operated without the consent of the Local Planning Authority.
REASON: In the interest of residential amenity.
- 08) Details of surface water drainage shall be submitted to and agreed in writing with the Local Planning Authority before the works hereby approved commence and shall be carried out in accordance with the agreed details before the development is brought into use.
REASON: To ensure that the development is appropriately drained.

Advisory Note(s)

The following policies of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions attached to this consent: Policy CW2.

