

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0408/LA 16.05.2018	CCBC (Urban Renewal) Mr R Llewellyn Tredomen House Nelson Road Ystrad Mynach Hengoed CF82 7WF	Construct fifteen small business industrial units in three blocks with access roads and parking areas Land At Grid Ref 311486 207255 The Lawns Industrial Estate Rhymney

APPLICATION TYPE: Local Authority Application

SITE AND DEVELOPMENT

Location: The application site is on the western side of Wellington Way (B4257), to the south of the existing access to The Lawn Industrial Estate.

Site description: The site is flat, mainly laid to grass, with a number of small ornamental trees.

Development: It is proposed to erect fifteen small industrial units, in three blocks of five. Access would be from the existing industrial estate road, with two units on the western side of the site, and the other on eastern side overlooking the road. Each unit would have parking spaces to the front, providing a total of 30 spaces, four of which would be allocated for the disabled.

Dimensions: The site has an area of 0.69 hectares. The buildings would be 4.8 metres high to the apex of the pitched roofs. The two western units would have footprints of 15m by 25m. The eastern unit would be L-shaped in plan and would be 25m and 23m along its longer elevations.

Materials: The external walls would be finished in a mixture of brick and insulated colour coated metal panels, whilst the roofs would be colour coated aluminium.

PLANNING HISTORY 2005 TO PRESENT

None.

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POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is part of a larger area incorporating the remainder of The Lawn, which is allocated for a mixture of retail development and community facilities (policy CM4.1), and for a health and social care resource centre, and for further education (policy CF1.2). A route safeguarded for a cycleway runs along the western side of the site (policy TR1.1)

Policies: SP1 (Development Strategy in the HOV Regeneration Area), SP4 (Settlement Strategy), SP17 (Promoting Commercial Development), SP21 (Parking Standards), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design Considerations: Highways), CW15 (General Locational Constraints)

Supplementary Planning Guidance LDP5 Parking Standards.

NATIONAL POLICY Planning Policy Wales (2016) and Technical Advice Note (TAN) 23: Economic Development (2014)

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. This matter is discussed further below.

CONSULTATION

Glam/Gwent Archaeological Trust - The proposal will require archaeological mitigation. The application area was the site of part of the Rhymney Iron Works, specifically the Rhymney Lower Furnace. The following condition is recommended.

No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

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Principal Valuer - No objection.

The Coal Authority - Raises substantive concern because the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The applicant needs to revise and resubmit the Desktop Study and Interpretative Ground Investigation Report to the LPA.

Landscape Architect - The embankment to the west of the site is vegetated and will need to be protected through the development so as to soften the visual impact of this development and maintain wildlife linkages through the area. The rear boundary of the site should be fenced off to prevent sprawl into these vegetated areas and fly tipping by the future tenants, but also needs to be accessible so that maintenance work can be undertaken by the council in the future. It is acknowledged that the fence needs to be robust, but a design that has a good aesthetic should be used here.

The existing planting to the entrance to the Lawns was grant funded. Establishing trees in this environment has proven to be a problem in the past, with poor ground conditions, exposure and vandalism. It may prove to be more effective to have a boundary hedge to the outside of any fence proposed, and tree planting within the units to contribute to the streetscape facing the B4257, whilst affording them some protection from vandalism. Soil may need to be imported in these areas to ensure adequate rooting quality and depth. Any existing trees that can be retained in this layout must be protected in line with BS 5837:2012.

The line of trees adjacent to the highway south east of the development must be protected in accordance with BS 5837:2012.

The front cover of the design & access statement implies that a fence will be installed to the rear of the footway. Currently the area is open and green. A fence in this location could adversely affect the amenity of the area and consideration should be given to allowing sufficient room between the fence and the public spaces to soften this harsh change to the environment. It may be advisable to allow some pedestrian access through the site, rather than deal with the vandalism that may result from disaffected pedestrians.

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Head Of Public Protection - The following conditions are recommended.

- The units shall be restricted to a B1 use class.
- Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- Before any soils or hardcore are brought on to site a scheme for its 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.
- No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health.
- The use hereby permitted shall not be open to customers outside the following times:
08.00 hours to 18.00 hours Monday to Saturday, and
10.00 hours to 16:00 hours Sunday.
REASON: In the interests of residential amenity.
- Prior to the commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.
REASON: In the interests of residential amenity.
- Unless otherwise agreed in writing with the local planning authority, prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the local planning authority.
REASON: In the interest of public health

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- Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.
- Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- Prior to development commencing on site, details of all external and roof mounted plant/machinery associated with the application shall be submitted to and agreed in writing with the Local Planning authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter these agreed details shall be fully installed prior to the use of each of the units commencing.
- REASON: In the interests of residential amenity.

Senior Engineer (Land Drainage) –

1. The applicant has indicated the disposal of surface water via sustainable drainage system; however no/limited information has been submitted to consider the viability of this method of disposal of surface water.
2. The applicant has indicated the disposal of surface water via watercourse; however no/limited information has been submitted to consider the viability of this method of disposal of surface water.
3. The site is situated within an area susceptible to groundwater flooding.
4. The site is situated within an area susceptible to surface water flooding.
5. Records indicate there is a culverted watercourse, located in the vicinity of the proposed development. The applicant should undertake such survey work to satisfy themselves on the location of the underground apparatus i.e. drains or culverts and should any such structure be located, contact should be made to Land Drainage Department for further advice if required.
6. Where features are present these shall be retained and incorporated into the proposed layout. No structure should be built within a zone of 10 times the diameter of the pipe or 4 times the depth to invert (whichever is the greater).

Transportation Engineering Manager - No objection subject to conditions.

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Dwr Cymru - Have no objections but recommend the following conditions:

No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with 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.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, and in the press, and 2 neighbouring properties have been consulted.

Response: Two emails have been received raising the comments set out below.

Summary of observations:: There is already noise disturbance from the factory behind in the nights, will the proposed development aggravate the problem?

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?
This scheme will not cause any anti-social behaviour or other crime problems that would justify any special measures to be considered from a planning point of view.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: The application site is within an area allocated for development, although not industrial units as proposed. However, the principle of development on this land has been accepted, and the proposal will not preclude the other forms of development taking place on the remainder of The Lawn. The proposal will help promote the Head of the Valleys area for employment and address problems such as deprivation (policy SP1). It will also help support Rhymney as a local centre (SP4 and CW15).

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The site is well related to the existing highway network, and also to the public transport routes. It is close to residential areas and so the development will be accessible by a number of modes of transport as well as the car (policy CW1). Parking facilities are adequate and are similar to those found at similar existing development throughout the borough (CW3). There is scope for incorporating the cycleway into the scheme.

The site is close to existing housing at Brynteg Crescent, Lady Tyler Terrace and Hill Street, and so consideration will have to be given to the limitation of the use and the hours of operation, which is considered further below (CW2).

Comments from Consultees: The matters raised by consultees can be addressed by condition, but further consideration should be given to the following. The Coal Authority has objected to the application and considers that revised studies need to be submitted. The information submitted so far does not show the location of a mine entry in the locality, so whilst the Authority states that it is unlikely that the entry or its zone of influence would extend up to the proposed built development, it is likely that the area to the south of Unit 2, including the hard surfaced car parking/vehicle turning area, is at potential risk of instability derived from the entry. Further work is also needed to identify risk associated with shallow mine workings. The applicant's borehole investigations did not identify any voids beneath the surface. From a planning point of view, the site is surrounded by development, and this matter can be resolved by condition, and it is for the applicant to carry out further studies and assure the Authority that the development will take adequate account of the ground conditions.

With regard to the conditions suggested by the Head of Public Protection, it would not be reasonable to restrict the use of the units to B1 only. A B1 use is:

- (a) an office other than a use within class A2 (financial and professional services),
 - (b) for research and development of products or processes, or
 - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

It would be reasonable to include storage and distribution (B8 use) as well. The size of the units will restrict the extent of that use.

With regard to hours of operation, in view of the location of the site next to a relatively busy road, the starting time during the week could be 7.00 a.m. rather than 8.00 a.m.

Comments from public: The concerns of the local residents are addressed through the restriction of the use of the buildings and the hours of operation.

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Other material considerations:

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

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.
- 02) A written scheme of historic environment mitigation shall be submitted to and agreed by the local planning authority prior to the commencement of work on site. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 03) No development shall take place until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the local planning authority. The results of the site investigation shall be submitted to the local planning authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed scheme.
REASON: To ensure the development is carried out in an appropriate manner taking account of ground conditions.

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- 04) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. Those details shall include:
- (a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
 - (b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and
 - (c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, 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.
- REASON: In the interests of the visual amenity of the area.
- 05) The premises shall only be used for Class B1 and B8 purposes as defined by the Town and Country Planning (Use Classes) Order 1987, or as defined by any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, without the approval of the Local Planning Authority.
- REASON: In the interests of residential amenity.
- 06) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
- REASON: In the interests of public health.

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- 07) 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.
- 08) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health.
- 09) No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 07.00 hours to 18.00 hours on Monday to Saturday, and 10.00 hours to 16:00 hours on Sunday.
REASON: In the interests of residential amenity.
- 10) Prior to the commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.
REASON: In the interests of residential amenity
- 11) Prior to the commencement of the development hereby approved a scheme for the control of dust arising from the construction of the scheme shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be implemented at all times to control dust at the site.
REASON: To prevent pollution.
- 12) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the Local Planning Authority.
REASON: In the interest of public health.

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- 13) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 14) Prior to its installation details of any external or roof-mounted plant/machinery associated with the use of the development hereby approved shall be submitted to and agreed in writing with the Local Planning authority. Those details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter the agreed facilities shall be installed in accordance with the agreed details.
REASON: In the interests of residential amenity
- 15) Prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 16) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.
- 17) The development shall be carried out in accordance with the following approved plans and documents: drawing numbers A001, A002, A005, A006, PL-01, PL-02, PL- 03, A003 (rev A), and A004 (rev A)
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water, Glamorgan Gwent Archaeological Trust, The Coal Authority, and Senior Engineer (Land Drainage) that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policies CW2 and CW3.

