

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0803/NCC 27.09.2019	Robinson Manufacturing Ltd Unit 25-31 Meadow Close Ise Valley Industrial Estate Wellingborough NN8 4BH	Vary condition 07 (Hours) of planning consent 12/0473/COU (Change use of property from B8 warehousing and storage to a mixed B8 warehousing and storage and B2 general industrial use) to amend the operating hours Robinson Manufacturing Ltd The Old Quarry Cemetery Road Abercarn Newport NP11 5AQ

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: The application site is a former quarry at the bottom of Cemetery Road, Abercarn.

Site description: The site is in commercial use with an industrial building situated in the southern part and an office building sited on the north western boundary. That site is used for the manufacture of timber frames for use in the construction industry. The former quarry rock face forms its eastern boundaries with Coed Ffordd Fawr which is a SINC. The entrance and frontage is the western boundary at Cemetery Road close to its junction with the B4591. Consent was granted under application 12/0473/COU for the aforementioned use subject to the following condition:-

- 07 In association with both the B2 and B8 uses hereby approved 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 08.00hrs to 18.00hrs Mondays to Fridays, 09.00hrs to 13.00hrs Saturdays, and not at all on Sundays or bank holidays.
REASON: In the interests of residential amenity.

Development: This application seeks consent to carry out the previously approved use but to vary condition 07 to allow the following:-

To allow fabrication operations at the premises to commence from 07.00hrs Monday to Saturday, for one laden heavy goods vehicle to depart the premises between the hours the hours of 06.00hrs and 07.00hrs Mondays to Fridays, a further laden heavy goods vehicle to depart from 07.00hrs on Saturdays and one heavy goods vehicle to arrive back at the premises between 18.00hrs and 19.00hrs Monday to Friday.

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Planning application 19/0803/NCC Continued

Dimensions: The site has a net useable area of approximately 1 hectare. The gross area of the unit is approximately 1.2 hectare. The existing warehouse building has a footprint of 1400 square metres.

Materials: Not applicable.

Ancillary development, e.g. parking: Not applicable.

PLANNING HISTORY 2005 TO PRESENT

11/0353/COU - Retain B8 use and B2 use in respect of the processing of timber waste - Refused - 08.09.11.

12/0473/COU - Change use of property from B8 warehousing and storage to a mixed B8 warehousing and storage and B2 general industrial use - Granted - 16.08.12.

18/0274/FULL- Demolish existing weigh bridge building and erect new building with B1 office at ground floor level and A3 canteen for site staff at first floor level - Granted - 21.05.18.

POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

National Policy: Paragraph 3.9 - The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

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Planning application 19/0803/NCC Continued

Paragraph 3.16 - Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

5.4.15 Whilst employment and residential uses can be compatible planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised.

National Planning Guidance contained in Technical Advice Notes 12 - Design and 23 - Economic Development.

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? Not applicable.

CONSULTATION

Transportation Engineering Manager - No objection.

Dwr Cymru - No objection.

Landscape Architect - No objection.

Senior Engineer (Land Drainage) - No objection.

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Planning application 19/0803/NCC Continued

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: Nine letters of objection were received.

Summary of observations:

1. The company already operates outside the authorised hours.
2. The noise causes disturbance to nearby residents, especially in the early mornings.
3. This is not an acceptable use in a residential area.
4. A number of fires have been lit on the site in the past.
5. The road network in the area is not suitable for heavy goods vehicles.
6. The vehicles damage the roads in the area.
7. Approval of this application will impact on property prices in the area.
8. The date that the noise survey was undertaken was on the refuse collection day which would lead to a false level for the background noise levels.
9. How would the increase in hours lead to an increase in employee numbers?
10. Condition 08 of the previous consent requires that the front doors of the building are kept closed at all times. This condition is currently being breached by the applicants.

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?
None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: This application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. This application seeks consent to continue an existing lawful use of land but to vary the hours of operation on site in order to allow the site to be used earlier in the morning and later in the evening. As the use of the site is lawful, the principle of the development is considered to be acceptable. Therefore, the main issue to consider in the determination of this application is whether the change to the hours of operation would have a detrimental impact on the amenity of the area.

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Planning application 19/0803/NCC Continued

In that regard it should be noted that the application is supported by a Noise Impact Assessment by Acoustics and Noise Limited. That assessment was carried out in accordance with BS4142 'Methods for rating and assessing industrial and commercial sound'.

In terms of Daytime Operations the assessment concludes that "The results of this assessment indicate that, at all sound sensitive receptors, there will be a low impact with a very low probability of adverse impact from daytime activities associated with the Old Quarry Site when assessed following the procedures of BS 4142. The rating levels of sound emanating from the site comfortably meet the criteria detailed in Condition 10 of the extant planning consent." (5dB above the background noise level).

With regard to night time operations the report concludes that "The assessment of worst-case sound emissions from the activities at the Old Quarry site indicates that there would be a low impact at all sound sensitive receptors (SSR's) for any operations commencing after 05:00 hours. However, for any site operations proposed to commence prior to 05:00 hours, the assessment indicates that there would be an increased probability of an adverse impact at several sensitive receptors."

With the above assessment in mind, the request from the applicant must be considered in terms of the impacts of each facet of the revised condition that has been requested. The first of these is the request to allow fabrication activities at the premises between the hours of 07.00hrs and 08.00hrs Monday to Saturday. From the evidence presented in the assessment and from officers' visits to the application premises, it is considered that the activities within the building do not have an unacceptable impact on the amenity of neighbouring dwellings. As the front doors of the production building face away from the dwellings, the noise from within does not project out towards those properties, even with the doors open. Moreover, the noise levels are less than 5dB above the background noise levels in the area and as such they comply with the requirements of condition 10 of the extant planning consent. In that regard it is considered that allowing fabrication operations to commence at the site from 07.00hrs Monday to Saturday would be acceptable in planning terms.

With regard to one laden heavy goods vehicle leaving the site between 06.00hrs and 07.00hrs again it should be noted that the noise assessment suggests that this would not be unacceptable and that the noise levels would comply with condition 10 of the extant consent. Whilst the extant consent imposes a condition that restricts the operating hours of the premises, there has been a long established B8 use on this site and previous to that there was a B2 use. There were no controls on the hours of operation of those uses and the fall-back position at the time that the extant consent was granted would have been that operations could have been carried out at any time of night or day. Nevertheless the relevant condition has been imposed and was not appealed and as such it is relevant to the determination of this application. However, the previous lawful use of the site is also relevant as is the topography of the site and its relationship with neighbouring properties together with the level of activity proposed.

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Planning application 19/0803/NCC Continued

The application seeks to allow one heavy goods vehicle per day to leave the site between 06.00hrs and 07.00hrs with that vehicle having been loaded the previous day. It is suggested that this is necessary in order to service customers from further afield requiring the timber frame products to be delivered as early as possible in the working day. In that regard it is considered that the activities associated with one vehicle per day leaving the site would not have an impact on the amenity of the neighbouring properties that would be significant enough to warrant refusal of this application.

In respect of one laden heavy goods vehicle leaving the site between 07.00hrs and 08.00hrs on a Saturday it is considered that as fabrications operations are felt to be acceptable at that time, the movement of one heavy goods vehicle would not significantly increase any noise impact and as such would be acceptable in planning terms.

Finally with regard to one empty vehicle being allowed to enter the site between 18.00hrs and 19.00hrs it is considered that this would not have a detrimental impact on the amenity of the area and as such is acceptable in planning terms.

Comments from Consultees: No objections raised.

Comments from public:

1. It is acknowledged that the company has previously operated outside the authorised hours and this is the subject to a Breach of Condition Notice.
2. The noise impact of the development is fully considered above.
3. The principle of the industrial use on this site is established and as such whether or not the nature of the use in this area is acceptable is not material to the determination of this application. Moreover, the application site has been used for a number of industrial uses over a number of years and as such it is considered that the use is acceptable in this area.
4. The issue of fires on the site is not a material planning consideration.
5. The suitability of the road network in the area is not material to the determination of this application as the use is established and there is an extant consent on the site.
6. Damage to the roads in the area is not a material planning consideration.
7. Loss of property value is not a material planning consideration.
8. The submitted noise assessment has been carried out in accordance with the British Standard and uses predicted noise levels to determine the acceptability of the use in terms of noise. In that regard it is considered to be acceptable for the purposes of determining this application.
9. The main point to consider in the determination of this application is whether or not the impacts on amenity would be acceptable in planning terms. As stated above it is considered that those impacts are acceptable and as such the generation of jobs as part of this proposal are not material to the determination of this application.

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Planning application 19/0803/NCC Continued

10. It is acknowledged that condition 08 of the previous consent requires that the front doors of the building are kept closed at all times. It is also acknowledged that this condition is currently being breached by the applicants. Any further breaches of this condition would be the subject of separate enforcement action.

Other material considerations: None.

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.

In conclusion it is considered that the impacts of the amendment to the hours of operation of the site would not have a detrimental impact on the amenity of the neighbouring properties and would be acceptable in planning terms. As such the proposal would comply with the requirements of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

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) The development shall be carried out in accordance with the following approved plans and documents: MJA/EA/0712/01, MJA/EA/0612/02 and Planning Statement.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Details of any external or roof mounted plant or machinery associated with the development hereby approved shall be submitted to and agreed in writing with the Local Planning Authority prior to its installation. The plant or machinery shall be installed in accordance with the agreed details.
REASON: In the interests of the residential amenity of the area and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

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Planning application 19/0803/NCC Continued

- 04) The trailer and car parking spaces shown in the General Layout plan hereby approved shall be marked and laid out in accordance with the approved plan before the uses hereby approved commence; the spaces shall not thereafter be used for any purpose other than parking.
REASON: To ensure that the development is provided with adequate parking to prevent the likelihood of on-street car parking which would be a danger to other road users and in order to ensure compliance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 05) The uses hereby approved shall not commence until the turning circle and access thereto as shown in the General Layout plan hereby approved has been completed and thereafter that space shall not be used for any purpose other than the turning of vehicles.
REASON: To ensure that the development is provided with adequate vehicle turning space so that vehicles may enter and leave the site in a forward gear and in order to ensure compliance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 06) All processing and machinery operation associated with the B2 use hereby approved shall take place only within the "existing building" as identified in the Proposed General layout plan and there shall be no external plant, operations, processing or machinery other than that hereby approved.
REASON: In the interests of the residential amenity of the area and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 07) The external doors of the "existing building" shall be kept closed at all times when noise generating internal activities of processing and manufacturing associated with the B2 use hereby approved are in progress.
REASON: In the interests of the residential amenity of the area and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 08) The area for B8 use hereby approved shall not be used for the storage of scrap, refuse or waste materials, nor shall it be used for any external processing, sorting or manufacturing.
REASON: For the avoidance of doubt as to the extent of this consent and to control disturbance in the interest of residential amenity and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

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Planning application 19/0803/NCC Continued

- 09) The rating level of noise emanating from the application site shall not exceed the existing background noise level by more than 5dB at any time when measured and calculated at a distance of 1 metre from any elevation of any noise sensitive property when measured and assessed in accordance with BS 4142: 1990, or a more current British Standard if applicable.
REASON: In the interests of the residential amenity of the area and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 10) In association with both the B2 and B8 uses hereby approved as part of application 12/0473/COU, no machinery shall be operated, no processes shall be carried out and no deliveries shall be taken or dispatched from the site, other than those expressly approved by the other conditions of this consent, outside the following times 07.00hrs - 18.00hrs Mondays to Fridays, 07.00hrs to 13.00hrs Saturdays, and not at all on Sundays or Bank Holidays.
REASON: In the interests of the residential amenity of the area and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 11) Loading and unloading of heavy goods vehicles shall only occur between 08.00hrs to 18.00hrs Monday to Fridays and 09.00hrs to 13.00hrs Saturdays.
REASON: In the interests of the residential amenity of the area and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 12) One laden heavy goods vehicle per day is permitted to start its engine and drive from site between the hours of 06.00hrs to 07.00hrs Mondays to Fridays and 07.00hrs to 08.00hrs on Saturdays with no heavy goods vehicles being permitted to leave the site at any time on Sundays or Bank Holidays.
REASON: In the interests of the residential amenity of the area and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 13) One heavy goods vehicle per day is permitted to return to site between the hours of 18.00hrs to 19.00hrs Mondays to Fridays. No heavy goods vehicles shall be permitted to enter the site after 13.00hrs on Saturdays or on Sundays or Bank Holidays.
REASON: In the interests of the residential amenity of the area and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
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