

Application Number: 21/0225/NCC

Date Received: 25.03.2021

Applicant: Robinson Manufacturing Ltd

Description and Location of Development: Vary conditions 03, 04, 06 (Site Layout) and 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 permit the change of site layout and to amend the operating hours - 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. The 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 inter alia to the following conditions:-

3. 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.

4. 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.

6. The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: The Proposed General Layout plan drawing No MJA/EA/0712/01 received on 10 July 2012 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority; and

7. 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 08.00 hrs to 18.00 hrs Mondays to Fridays, 09.00 hrs to 13.00 hrs Saturdays, and not at all on Sundays or Bank Holidays.

REASON: In the interests of residential amenity.

A consent to vary condition 7 to allow longer operating hours was subsequently approved under application reference number 19/0803/NCC on a temporary basis of 12 months but that consent has now expired.

Development: This application seeks consent to carry out the previously approved use but to vary the above conditions as follows:-

3. A new general layout for the site has been submitted moving all parking to the western side of the site and away from the front of the manufacturing building in order to address concerns regarding potential conflict between pedestrians and plant vehicles in this area. As such a variation to this condition is proposed to refer to the newly submitted plan.

4. Similarly to condition 3 above, a variation to this condition is required to refer to the amended plan submitted.

6. As with conditions 3 and 4 above a variation to this condition is required to refer to the amended plan submitted.

7. 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 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.

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 - 08.09.2011.

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 - 16.08.2012.

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 - 21.05.2018.

19/0803/NCC - 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 - Granted - 20.02.2020.

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: Planning Policy Wales (11th Edition) 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.

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.

Future Wales - The National Plan 2040 sets out the spatial strategy for Wales for the next 20 years and provides Policies that should be taken into account in the determination of applications at all levels.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not applicable.

CONSULTATION

Transportation Engineering Manager – No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

ADVERTISEMENT

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

Response: Five letters of objection were received.

Summary of observations:

1. Large vehicles waiting to access the site cause an obstruction on the highway.
2. The use is unacceptable in a residential area.
3. The extended hours will increase noise disturbance.

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? Based on current evidence, the proposal is unlikely to have a significant impact on biodiversity. However, Policy 9 of Future Wales - The National Plan 2040 states that action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment. In that regard biodiversity enhancements will be sought as part of this development.

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. Consent is also sought to refer to an amended site layout plan that addresses health and safety concerns regarding parking and pedestrian movements on the site. 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.

In that regard it should be noted that application 19/0803/NCC was 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'. As circumstances have not changed since the determination of that application, the noise assessment is still applicable to this proposal.

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. 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 deemed 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.

In terms of the amendments to the layout of the site to deal with potential pedestrian and vehicle conflicts it is considered that this is acceptable in principle. However, at present the submitted plan does not clearly show the location and number of parking spaces within the site or the number of hgv parking bays. Nevertheless, as there is ample space within the site to accommodate these it is considered that it would be reasonable to impose a condition to any consent granted requiring the submission of further details within a specified period. Any condition should also require the provision of these parking spaces within a reasonable time frame.

Comments from Consultees:

Comments from public:

1. Large vehicles waiting to access the site cause an obstruction on the highway. As the use is lawful in planning terms, this application would have no bearing on the obstruction of the highway of vehicles from the site. Moreover, as discussed above, adequate on site hgv parking would be required as part of this proposal which should reduce the need to park on the highway.

2. The use is unacceptable in a residential area. 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.

3. The extended hours will increase noise disturbance. This is addressed above.

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.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report.

It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development shall be carried out in accordance with the following approved plans and documents: MJA/EA/0612/02 and Planning Statement.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) 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.
- 03) Notwithstanding the approved plans within one month of the date of this consent revised plans showing a total of 16 no off-street parking spaces shall be submitted for the written approval of the Local Planning Authority. The proposed spaces shall thereafter be provided in accordance with the approved details within two months of the date of the approval of the details and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Notwithstanding the approved plans within one month of the date of this consent revised plans showing a total of 5 No. hgv parking spaces shall be submitted for the written approval of the Local Planning Authority. The proposed spaces shall thereafter be provided in accordance with the approved details within two months of the date of the approval of the details and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Notwithstanding the approved plans within one month of the date of this consent revised plans showing a turning circle and access thereto demonstrated by a swept path analysis shall be submitted for the written approval of the Local Planning Authority. The proposed turning circle shall thereafter be provided in accordance with the approved details within two months of the date of the approval of the details and shall be maintained thereafter free of obstruction for the turning of motor vehicles only.

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" 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 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.

- 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, 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 07.00 hrs - 18.00 hrs Mondays to Fridays, 07.00 hrs to 13.00 hrs 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 08.00 hrs to 18.00 hrs Monday to Fridays and 09.00 hrs to 13.00 hrs 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 06.00 hrs to 07.00 hrs Mondays to Fridays and 07.00 hrs to 08.00 hrs 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 18.00 hrs to 19.00 hrs Mondays to Fridays. No heavy goods vehicles shall be permitted to enter the site after 13.00 hrs 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.