

**Application Number:** 22/0743/RET

**Date Received:** 12.09.2022

**Applicant:** MCI Logistics Limited

**Description and Location of Development:** Retain and complete the erection of a 25m x 50m warehouse building for the storage of raw materials for local manufacturers - MCI Logistics Unit B MCI Business Centre 4-5 Newtown Industrial Estate Crosskeys.

**APPLICATION TYPE:** Retain Development Already Carried Out.

### SITE AND DEVELOPMENT

Location: MCI Logistics, Unit B, MCI Business Centre, 4-5 Newtown Industrial Estate, Crosskeys, Newport, NP11 7PZ.

Site Description: Yard area to the south of the large commercial unit of MCI logistics. Existing commercial units surround the site apart from the south/south east where a public footpath and the River Sirhowy lie.

Development: Retain and complete the erection of a 25m x 50m warehouse building for the storage of raw materials for local manufacturers.

Dimensions: The building measures 25m wide by 50m long with an overall height of 10.3m to the ridge.

Materials: Walls: Grey Steel Sheeting Roof: White PVC fabric.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT No relevant planning history.

### POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site lies within the defined settlement boundary and within the Newtown, Crosskeys employment site.

Policies: CW2 (Amenity), CW3 (Highways), CW13 (Use Classes Restrictions - Business and Industry), CW15 (General Locational Constraints), EM2 (Employment Sites Protection), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Future Wales: the National Plan 2040, Planning Policy Wales (Edition 11), Technical Advice Note 12: Design. Technical Advice Note 15: Development and Flood Risk.

SUPPLEMENTARY PLANNING GUIDANCE None.

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? This is a High risk area, and so it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

Estates Manager -

Transportation Engineering Manager - CCBC - No objections recommend that planning conditions on parking and restriction of building to purposes ancillary and incidental to the existing units are imposed.

Environmental Health Manager - No objection, propose conditions on hours of operation and restriction on external storage.

Senior Engineer (Drainage) - Confirms Sustainable Drainage (SAB) approval is required.

Rights Of Way Officer - No objections, provides advice in respect of public footpaths.

The Coal Authority - No objection.

Natural Resources Wales - We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application.

Clarification has been sought with Natural Resources Wales and it is anticipated that an updated response from Natural Resources Wales will be verbally reported to members at committee.

## ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice.

Response: No responses were received.

Summary of observations: None.

## 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 considered that crime and disorder will be materially affected by the development.

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

## COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No CIL charge would be applicable as commercial/industrial development is zero rated for CIL.

## ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity and the visual appearance of the development on the character of the area.

The proposed development is for the erection of a warehouse building within the grounds of an existing commercial property on the Newtown Employment site. The land is within the adopted Local Development Plan designation under Policy EM2 as an employment site (EM2.30 Newtown, Crosskeys) and is designated a 'secondary' site within the hierarchy of employment sites. Policy EM2 works in tandem with a separate policy within the adopted Local Development Plan, Policy CW13 (Use Class Restrictions - Business and Industry) and Policy CW13 states in relation to secondary sites that:

On sites allocated or identified as Secondary Sites, development will only be permitted if it is:

- i within use classes B1, B2 or B8;
- ii an appropriate sui generis use;

- iii to provide an ancillary facility or service to the primary employment use;
- iv an acceptable commercial service unrelated to class B uses.

The submitted planning statement advises that the proposed warehouse building will be used in association with the existing operations of MCI Logistics and it is stated that it is required to help to continue to operate and expand the business. The purpose of the building is described as to store materials for an existing customer who requires significant additional storage to support their manufacturing operations.

It is considered that the proposed development would accord with the designation as a secondary site and would comply with Policy CW13. As such the development is acceptable in principle subject to consideration of other material planning considerations.

The building would be a large structure however it would be primarily viewed in conjunction with the larger existing commercial unit and along with other commercial buildings in the area. It is not considered that it would have any unacceptable visual impacts on the character of the area and would accord with adopted Local Development Plan Policy SP6 (Placemaking).

The development would be significantly separated from the nearest residential properties (in excess of 90m away) and would be in close proximity to existing business uses on an allocated employment site. It is considered appropriate to restrict the use of the new building to purposes within Class B8 (Storage and Distribution) and to be also restricted to purposes ancillary and/or incidental to the existing businesses on the site. It is considered that the impact on the amenity of the area including the nearest residential receptors would be acceptable according with Policy CW2 (Amenity).

The Transportation Engineering Manager has requested a planning condition on parking be imposed. The applicant has indicated that there will be under 3 vehicles per week serving the development and apart from exceptional circumstances these will be through the existing main entrance. It is noted that the proposed building is within the site sufficiently to avoid any significant impacts on the highway network in terms of access/egress and parking/manoeuvring is available within the wider site on land under the applicant's control. In this situation it is not considered that it would be necessary to impose requirements and/or restrictions in relation to parking/turning. It is considered that the development accords with Policy CW3 (Highways).

Comments from Consultees: The Environmental Health Manager has requested hours of operation be imposed on the new building, however noting the limited vehicle movements, significant separation distance (in excess of 90m to the closest residential receptors) and other units on the wider MCI site having no restriction it is not considered reasonable to impose such restrictions on the development.

Comments from public: None.

Other material considerations: The site is within the designated flood zone under Technical Advice Note 15: Flood Risk and Development (TAN15). It is primarily within Flood Zone C1. The development is categorised as being "Less Vulnerable Development" within the TAN which includes industrial, employment and commercial uses in this category.

In respect of justification of the location of the development as required by Technical Advice Note 15 section 6 it is demonstrated that:

Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or

Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region.

In terms of the application site Local Authority Strategy (which is defined in the TAN as the adopted development plan) it is part of the employment designation under Policy EM2 and therefore it would be part of the strategy to sustain the existing settlement, it also would contribute to key employment objectives by supporting an existing business within the settlement.

A further requirement is that it concurs with the aims of Planning Policy Wales and meets the definition of previously developed land.

The application site is formed of previously developed commercial/industrial land on an identified employment site and the proposal accords with the aims of Planning Policy Wales particularly with reference to Economic development (section 5.4 PPW11). Subject to the finalised advice of Natural Resources Wales to be reported verbally to members at committee it is anticipated that the flooding consequences can be acceptably managed noting the low vulnerability of the proposed use.

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:  
Site Location Plan, drawing reference MCI/PP/01;  
Proposed Block Plan, drawing reference MCI/PP/02;  
Proposed Floor plan, drawing reference LH.2500.620.E.075.002\_A;  
Proposed Elevations, drawing reference V-2.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) The premises shall only be used for 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. The B8 purposes shall also be limited to that ancillary and incidental to the operation of Units within 4-5 Newtown industrial Estate, Crosskeys and for no other purposes.  
REASON: To define the scope of the permission and in the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 03) No goods, materials, plant or machinery shall be stored outside any of the buildings on the site without the prior written agreement of the Local Planning Authority.  
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

WARNING:

SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems

must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)

Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Please find attached the comments of The Senior Engineer (Drainage), Environmental Health Manager and the Public Rights of Way Officer that are brought to the applicant's attention.

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).