

**Application Number:** 23/0114/FULL

**Date Received:** 21.02.2023

**Applicant:** Woodpecker Flooring

**Description and Location of Development:** Demolish existing commercial unit and construct a new warehouse and offices - 28 Pantglas Industrial Estate Bedwas Caerphilly CF83 8DR

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: 28 Pantglas Industrial Estate, Bedwas, Caerphilly, CF83 8DR.

Site description: The site is an existing business unit and compound within the Pantglas Employment Site in Bedwas, Caerphilly and includes a telecommunications mast within the site boundary. The site is surrounded by other commercial uses to the north and west and open land (part of Bedwas Community Park) lies to the east. To the south is a tree belt with a commercial unit beyond.

Development: Demolish existing commercial unit and construct a new warehouse and offices.

Dimensions: The proposed building measures approximately 60m by 25m with an overall height of 13.7m.

Materials: The building will be clad in Dark grey composite metal sheeting.

Ancillary development, e.g. parking: Parking/turning area at the front of the proposed unit including 11 car parking spaces, cycle parking and motorcycle parking.

PLANNING HISTORY 2010 TO PRESENT None.

### 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 the Pantglas Employment Site under Policy EM2.

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), EM2.25 (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: Flood risk and Development.

### SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP 6: Better Places to Live.

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

### CONSULTATION

Natural Resources Wales - No objection. Recommend planning conditions on Site Lighting and contamination condition. Considers the submitted Flood Consequence Assessment to be shows the risks and consequences of flooding are manageable to an acceptable level.

Environmental Health Manager - No objection subject to planning conditions to address contamination and Working Method Statement to mitigate works during construction.

The Coal Authority - The Coal Authority considers that the information prepared by Terra Firma Ltd is sufficient for the purposes of the planning system and meets the requirements of Planning Policy Wales in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Transportation Engineering Manager - CCBC - No objection subject to the conditions addressing detailed highway considerations.

Senior Engineer (Drainage) - No comments received.

Waste Strategy and Operations Manager - Due to the development being commercial, our only observations would be that there is adequate container storage on site and access to a suitable collection point by either our vehicles or other contractor.

Dwr Cymru - Provide details and advice on their assets crossing the site.

Police Architectural Liaison Officer - No comments received.

Western Power Distribution - Can you make the applicant aware that if they require a new connection or service alteration, they will need to make a separate application to National Grid.

Heritage And Placemaking Officer - Raises no objection. The proposed replacement, whilst larger adopts a similar architectural language of the wider industrial estate.

The nearest listed building (The former Bedwas Workingmen's Club) is located in excess of 500m to the west. As a result of intervening built form and topography there will be no effect on the setting of the listed building, or any other designated historic asset arising from this proposal.

Chief Fire Officer - The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to current standing advice.

Ecologist - No comments received.

Strategic & Development Plans - No comments received.

Senior Arboricultural Officer (Trees) - No comments received.

Estates Manager - Advised that there are no comments from Property services.

### ADVERTISEMENT

Extent of advertisement: The application was advertised via site notice, press notice and a neighbour notification letters.

Response: No responses were received relative to the consultation exercise.

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? No.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The development falls within use classes which are zero rated for CIL purposes.

## 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 Flood risk, principle of the development, impact on neighbour amenity and the visual appearance of the development on the character of the area.

The application is being reported to planning committee as it falls within the major development category with a proposed floor area in excess of 1000sqm.

### Flood Risk and the principle of the development

The application site is partially within Flood Zone C1 of the Development Advice Map and would represent less vulnerable development. The applicant has submitted a Flood Consequence Assessment with the planning application and Natural Resources Wales have been consulted and have not objected to the development and advise that the Flood Consequence Assessment shows the risks and consequences of flooding are manageable to an acceptable level.

Section 6 of Technical Advice Note 15 (Development and Flood Risk) advises in paragraph 6.2 that "New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted.

All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- i) 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,
- ii) 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; and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land; and,

iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

In response to these criteria, it is considered that the following is relevant to the proposed development:

i) The application site is located within the designated Employment Site (EM2.25 Pantglas Bedwas) within the adopted Local Development plan. Policy EM2.25 designates Pantglas, Bedwas as a Primary site and Policy EM2 works in tandem with Policy CW13 (Use Class Restrictions - Business and Industry) which considers that use classes within B1, B2 or B8 are acceptable within the employment designation. The proposal is for commercial development falling within Classes B1 and B8 and therefore accords with Policies EM2 and CW13. Technical Advice Note 15 clarifies that for the purposes of "Local Authority Strategy" the adopted Development Plan for the area will be strategy and therefore the proposal accords with the requirements of the TAN in terms of 6.2(i) as the development will accord with the Local Authority Strategy required to sustain an existing settlement.

ii) not required to be met as part i) is already met;

iii) The application site would meet the definition of previously developed land as set out in Planning Policy Wales and therefore this test is met;

iv) NRW have assessed the submitted Flood Consequence Assessment and conclude that it shows the risks and consequences of flooding are manageable to an acceptable level.

It is therefore considered that the tests within section 6.2 of Technical Advice Note 15 have been met and the location of the development has been justified in accordance with Technical Advice Note 15. For the reasons outlined above it is also considered that the development is in accordance with the employment designation under Policies EM2 and related policy CW13 and the principle of the site for the use proposed is acceptable.

#### Design and Impact on Neighbour amenity

The area is characterised by large scale commercial units and the proposed building will have an acceptable visual impact on the character of the area according with Policy SP6 (Placemaking). A landscaping scheme will be required to be submitted under a planning condition and the submitted site plan includes Sustainable drainage elements (e.g. rainwater gardens which will also be subject to separate SAB approval). These garden areas include opportunities to either incorporate existing trees or provide new landscaping to mitigate any loss of existing trees on the site frontage. The development is well separated from the nearest residential properties (in excess of 45m) and there are intervening commercial units between the nearest residential properties and the

application site and therefore there is no unacceptable impacts on neighbour amenity and the development accords with Policy CW2 (Amenity).

## Ecology

The applicant has submitted a Bat Survey with the application and this included a dusk emergence survey. The survey found no bat roosts confirmed within the building. It recommends dark zones should be set up along the southern and eastern boundaries of the site as these are foraging rounds for bats. Bat enhancement measures (two bat boxes) are recommended to be included. The report indicates that Nesting birds (house sparrows) were found in the building and so it is recommended in the report that demolition occurs outside of bird nesting season. The applicant will be reminded of the need to consider nesting birds and legislative requirements via an informative note. The report also recommends mitigation to provide bird boxes (house sparrow terrace) as enhancement and this will be required through the imposition of planning conditions for bat and bird boxes.

## Highway considerations

The building will be located within the existing industrial estate served by suitable road access. The Transportation Engineering Manager has raised no objections to the proposed development and planning conditions will be attached to require the provision of the parking/turning area prior to the new building coming into operation. The development accords with Policy CW3 (Highways).

Comments from Consultees: Addressed in the body of the report.

Comments from public: None.

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.

The proposed development is considered acceptable and is recommended for approval accordingly.

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:  
Site Location Plan, plan reference WF-5394-01;  
Proposed Floorplan and Elevation, plan reference WF-5394-02;  
Proposed Site plan, plan reference WF-5394-03a;  
Vehicle Tracking Plan, plan reference WF-5394-04;  
Wildwood Ecology Bat Report, reference WWE22117 BAS FINAL, dated 08/12/22.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:  
Details of the siting and type of any external lighting to be used;  
Drawings setting out light spillage in key sensitive areas, in particular the retained vegetation to the south and east of the site;  
Details of lighting to be used both during construction and operation;  
Measures to monitor light spillage once development is operational.  
The lighting shall be installed and retained as approved during construction and operation.  
REASON: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, and their habitats and commuting corridors.
- 04) 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.

- 05) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGGA 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: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 06) 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 and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 07) Prior to the commencement of the development a Working Method Statement to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority.  
The scheme shall include:  
(i) control of noise,  
(ii) control of dust, smell and other effluvia,  
(iii) control of surface water run off,  
(iv) site security arrangements including hoardings,  
(v) proposed method of piling for foundations,  
(vi) construction and demolition working hours,  
(vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.  
The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by 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.
- 08) The development shall not be occupied until the area indicated for the parking of vehicles and turning of vehicles (including articulated lorries) 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 in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) Any gates shall be located and fitted so as not to open out over the highway.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.



- 10) The proposed cycle storage area, and motor cycle parking area shall be provided prior to beneficial use of the building commencing, and shall be maintained thereafter for the storage of cycles and motorcycles only.  
REASON: To ensure that adequate cycling and parking facilities are provided within the curtilage of the site in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) The proposed parking and turning area shall be completed in bound (not loose) materials.  
REASON: To avoid loose materials being taken out onto the highway in the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) The premises shall only be used for B8 and B1 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: To define the scope of the permission and to accord with the employment site designation in accordance with policy EM2 and CW13 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Use of the proposed offices shall be limited to that ancillary and incidental to the use of the proposed warehouse, and for no other purposes.  
REASON: To define the scope of the permission, prevent overdevelopment of the site and to ensure that adequate parking facilities are maintained in the interests of highway safety in accordance with policies CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 14) Prior to the occupation of the development hereby approved, two bat boxes shall be provided as part of the approved development in accordance with section 5 and appendix 2 of the submitted Wildwood Ecology Bat report dated 08/12/2022 and plan reference WF-5394-03a.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales and Tan 5 Nature Conservation and Planning (2009) in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) Prior to the occupation of the development hereby approved, nesting sites for birds shall be provided as part of the approved development in accordance with section 5 and appendix 2 of the submitted Wildwood Ecology Bat report dated 08/12/2022 and plan reference WF-5394-03a.  
REASON: To provide additional roosting for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and

policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009)

- 16) 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. The agreed details shall be carried out in the first planting and/or seeding season following the building being brought into beneficial use 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.
- REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

#### Advisory Note(s)

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

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)

**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)

Please find attached the comments of Western Power Distribution, Dwr Cymru/Welsh Water and Fire Authority that are brought to the applicant's attention.

The developer is reminded that the submitted Wildwood Ecology report has indicated that nesting birds have been found in the existing building and has made recommendations on timescales for demolition of the building which should be referred to prior to any demolition works commencing.

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).

Notification of initiation of development and display of notice:

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include:

Notice of initiation of development:

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the town and Country Planning (development Management procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of Notice:

The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out the development must ensure the notice is:

- (a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.