

Application Number: 23/0503/FULL

Date Received: 31.07.2023

Applicant: Formaction Ltd

Description and Location of Development: Erect 11 units for Class B1/B2/B8 Use together with associated parking and proposed new vehicular access onto Parkway - Land South Of Abingdon Flooring Ltd Unit 1 Parkway Pen-y-fan Industrial Estate Pen-y-fan

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is on Parkway, Pen y Fan Industrial Estate.

Site description: The site is currently an undeveloped greenfield site of 1.28 hectares in size.

Development: A building is proposed to accommodate Class B1, B2 and B8 units. The proposed building is designed to be flexible with 11 bays proposed which could provide up to 11 units, depending on clients' need for space. A new access into the site is proposed from Parkway.

Ground levels across the site are proposed to be altered with cutting and filling proposed to create a level access and development plateau.

Dimensions: The proposed building measures 22.9 metres x 82.6 metres in footprint will provide 1839 square metres of employment floor space. It is proposed to be 8.5 metres high to the ridge.

Materials: The building is proposed to be a metal clad "shed" type building.

Ancillary development, e.g. parking: 27 car parking spaces, 2 motorcycle parking spaces and cycle storage for 6 bicycles are proposed.

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 is part of a protected employment site (EM2.10- Penyfan, Croespenmaen).

Policies: SP2- Development in the Northern Connections Corridor,
SP4- Settlement Strategy,
SP5- Settlement Boundaries,
SP6- Place Making,
SP10- Conservation of Natural Heritage,
SP16- Managing Employment Growth,
SP21- Parking Standards,
CW1- Sustainable Transport, Accessibility and Social Inclusion,
CW2- Amenity,
CW3- Design Considerations- Highways,
CW6- Trees, Woodland and Hedgerow Protection,
CW13- Use Class Restrictions- Business and Industry.

NATIONAL POLICY Future Wales:

Policy 2- Shaping Urban Growth and Regeneration- Strategic Placemaking.
Policy 9- Resilient Ecological Networks and Green Infrastructure.
Policy 12- Regional Connectivity.
Policy 13- Supporting Digital Communications.

Planning Policy Wales (Edition 11, February 2021).

Technical Advice Notes:

TAN 5- Nature Conservation and Planning (2005).
TAN 12- Design (2016).
TAN 18- Transport (2007).
TAN 23- Economic Development (2014).

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? No, the site is in a low risk area for risk from past coal mining activities.

CONSULTATION

Environmental Health Manager - Suggests conditions in respect of contamination.

Senior Engineer (Drainage) - Requires SAB approval, request further information to provide more substantive comments and a condition to provide a scheme of land and surface water drainage.

Placemaking Officer - Douglas McGlyn - No response received.

Strategic & Development Plans - No response received.

Dwr Cymru - Surface water flows are proposed to be disposed of via the public sewerage system. Request a condition preventing this and advisory notes.

Heritage Officer - Peter Thomas - No response received.

Senior Arboricultural Officer (Trees) - No response received.

Waste Strategy And Operations Manager - No turning head is proposed. Each premises would need to have suitable off highway storage for wheeled bins.

Police Architectural Liaison Officer - No response received.

Chief Fire Officer - No objection to the proposed development.

National Grid - If the applicant requires a new connection or service alteration, they will need to make a separate application to National Grid.

Ecologist - Have no comments to make on this application.

Transportation Engineering Manager - CCBC - No objections subject to conditions.

ADVERTISEMENT

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

Response: None.

Summary of observations: Not Applicable.

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.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: The site is within an existing primary employment site (EM2.10 Penyfan, Croespenmaen), which is protected for employment uses in the Local Development Plan. The proposed B1, B2 and B8 uses are therefore permitted in principle under Policy CW13 (Use Class Restrictions- Business and Industry) of the Local Development Plan.

The site has been identified as amenity green space. However its lack of prominence in the street scene, its location on an industrial estate between large industrial buildings and a lack of formal public access to the site results in it having little value as a recreational resource or as an area of visual amenity. Therefore the development of the site is acceptable in respect of Policy CW7 (Protection of Open Space) of the Local Development Plan.

In respect of Policy SP6 (Placemaking) of the Local Development Plan, the design and materials chosen for the building are considered acceptable given it is on an industrial estate containing buildings of similar character.

The proposed new access, parking and turning provision is considered acceptable and in accordance with Policy CW3 (Design Considerations- Highways) of the Local Development Plan, subject to the recommended highways conditions. Due to the relatively large size of the building and its location on an industrial estate with limited public transport options, a Travel Plan is recommended to be provided through a condition to comply with Policy CW1 (Sustainable Transport, Accessibility and Social Inclusion) of the Local Development Plan.

In respect of Policy CW6 (Trees, Woodland and Hedgerow Protection) of the Local Development Plan, the site is currently a greenfield site and its development will result in the clearance of some trees and scrub within the site. The trees and scrub to be lost are not considered to be of wider amenity value and it is noted that the Council Ecologist has not raised any concerns regarding ecological matters on the site. As such, the loss of the trees and scrub is considered acceptable, subject to the provision of a landscaping scheme, which is recommended as a condition. There is sufficient space within the site to plant trees as part of that landscaping scheme to mitigate the loss of vegetation on the site.

Comments from Consultees: In respect of the comments from Senior Engineer (Drainage) and Dwr Cymru/Welsh Water, a separate SAB application will be required for this proposal and as such it is not considered that any further information or conditions are required in respect of drainage.

The conditions suggested by the Transportation Engineering Manager have been recommended, with the exception of the one requiring rain water not to discharge into

the highway surface water drainage system as it is considered that surface water drainage matters should be addressed through the SAB process.

The conditions suggested by Environmental Health have been recommended.

In respect of the comments from Waste Strategy and Operations, there is considered to be sufficient space for large vehicles to turn within the site. The requirements for waste storage will depend on the companies occupying the building. However, there is considered to be sufficient space on the site to store waste without adversely impacting on the amenity of the local area.

Comments from public: Not Applicable.

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 in respect of the proposals is in conformity with both Future Wales and PPW Edition 11.

RECOMMENDATION that Permission be GRANTED

- 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:
 - 221180/1 Rev B Proposed Site Layout.
 - 221180/2 Proposed Sections.
 - 221180/3 Proposed Plans and Elevations.
 - 221180/5 Site Location Plan.
 - 221180/6 Standard Details of Cycle and Bin Stores.
 - P01 Rev B Potential Access Arrangement.
 - P02 Proposed Access Vertical Alignment.

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

- 03) 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.

- 04) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 05) 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.

- 06) 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.

- 07) Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the proposed junction works onto Parkway have been submitted to and agreed in writing with the Local Planning Authority. The junction shall be constructed in accordance with the agreed details prior to beneficial use of the development commencing.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Before any of the development hereby approved is occupied, a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.
REASON: To encourage the use of a variety of transport options in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) The proposed means of access shall be laid-out, constructed and maintained thereafter with vision splays of 2.4m x 120m. No obstruction or planting when mature exceeding 0.9m in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.
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 units shall not be occupied until the area for the parking and turning of vehicles has been laid out in accordance with the approved plans, and those areas shall not thereafter be used for any purpose other than the parking and turning 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.
- 11) The proposed cycle storage facilities shall be provided prior to beneficial use of the units commencing, and shall be maintained in perpetuity for the storage of staff and visitors' cycles.
REASON: 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 proposed access, parking and turning areas shall be surfaced in bound materials prior to the beneficial use of the units commencing.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) The electric vehicle parking spaces shown on the approved layout plan shall be provided with charging points which shall be fully operational prior to the commencement of the beneficial use of the building.
REASON: To provide appropriate electric vehicle infrastructure to comply with Policy 12 of Future Wales: The National Plan 2040.

- 14) 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 occupation 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.
- 15) The development hereby approved shall make provision for gigabit capable broadband infrastructure to serve the building. The necessary infrastructure required shall be installed prior to the first occupation of the building.
REASON: To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040.

Advisory Note(s)

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.

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 100m² 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

Website: www.caerphilly.gov.uk/sab

The first 1m in width of the grass verge area, which will need to be crossed in order to form the proposed junction, forms part of the adopted highway. It should be noted that there is a requirement for the junction works to be undertaken under an appropriate highway agreement.

If the applicant requires a new electricity connection or service alteration, they will need to make a separate application to National Grid.