

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0087/COU 23.02.2015	Rowecord Holdings Ltd Neptune Works Usk Way Newport NP20 2UY	Change the use to industrial coating/painting of steel with associated assembly and storage (Use Class B2) Former Rowecord Engineering Commercial Street Newport Road Pontymister Risca Newport NP11 6EY

**APPLICATION TYPE:** Change of Use

**SITE AND DEVELOPMENT**

Location: Former Rowecord Engineering, Commercial Street, Newport, Pontymister. The site is located within the settlement boundary.

Site description: The site comprises a substantial existing building with associated parking, storage and circulation areas off Commercial Street in Pontymister, Risca. The site is bounded by residential properties to the north and east with the River Ebbw to the south beyond which lies an Aldi foodstore with a vacant brownfield site (the former Birds Foundry) to the north beyond which lies Commercial Street at Pontymister.

The site benefits from an existing access direct off the B4591 along the site's northern boundary, which provides access to the A467.

Development: The building comprises a large steel framed structure with a mono-pitched roof and metal profile external finishes. To the front of the property are large parking and circulation areas with storage areas to the rear adjacent to the Ebbw River.

The application is supported by a Design and Access Statement, which states, "The property has a long established history for the storage and fabrication of steel products since the 1960's although this application is submitted on a "without prejudice" basis to accommodate a steel coating/painting use with associated assembly and storage.

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The proposed use is to provide a viable new use for the site (which is currently vacant) until such time as the Council's discussions with Natural Resources Wales are concluded in respect of the ongoing flood defence works in Risca in order to deliver the residential development of the site as set out within the Council's Action Plan for the area."

"The use of the site for industrial coating/painting of steel will create 30 - 40 new jobs until such time as the site can be redeveloped for housing. The proposed coating/painting operations involve:-

- unload steel within the building (as confirmed in Plan U406/1 Rev A);
- blast steel in dedicated booths;
- layout steel for painting/coating;
- paint steel to required specification (including 1,2 or 3 coats);
- when dry, load steel onto trailers;
- store trailers at the rear of building until required for delivery."

"All unloading, blasting, painting/coating and assembly/loading will be undertaken within the existing building before external storage. In some instances, it may be necessary to assemble certain products into components before loading onto trailers and external storage although the predominant operations within the building will be the painting/coating of steel."

"The blast booths and painting areas will utilise existing extraction units within the building. The painting/coating operations will take place between 6.00 a.m. to 10.00 p.m. Monday to Friday with potentially a skeleton shift applying paint outside of these hours in the event that it is required (depending on the number of coats required by the customer and the associated drying times and delivery date). Painting/coating operations will also be undertaken on Saturdays (if required) between 6.00 a.m. and 10.00 p.m. and Sundays 6.00 a.m. to 4.00 p.m. with no works on Bank Holidays."

"Deliveries will be limited to 6.00 a.m. to 10.00 p.m. whilst all roller shutter doors will remain closed other than for the receipt of deliveries and dispatch of trailers. Trailers will be stored outside to the rear of the property until required for exportation."

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The building was erected in the 1960's as a warehouse for the storage and dispatch of steel sections and sheets. Latterly the site appears to have been occupied by British Steel and subsequently Corus for the same purpose. In or around 2003 the building was occupied by a company called Baileys Commercials Ltd until 2005, when it was taken over by Goodwin's Properties (UK) Ltd and occupied by WF Manufacturing who used the premises to manufacture timber frame kits including wall and floor panels, roof trusses and engineered joists. In 2008 the site was purchased by Rowecord Engineering Ltd. who commenced the manufacture of large steel structures, in component form, which were assembled on site. An Enforcement Notice, was issued on the 12th December 2012 (reference EE/09/017) that required the cessation of the use of the land and buildings for the manufacture of steel products, falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987, including the ancillary making of and receiving of deliveries, between the following times:-

18:30hrs to 07:30hrs Mondays to Thursdays, 18:30hrs Fridays to 08:30hrs on Saturdays, 13:30hrs Saturday to 07:30hrs Mondays (inclusive of Sundays) and on any Bank Holidays.

The Enforcement Notice was complied with and the building has been vacant for some two years.

Dimensions: The site amounts to 3.39 hectares.

Materials: Not applicable.

Ancillary development, e.g. parking: Existing circulation and parking areas.

#### PLANNING HISTORY

App. No. 1333 - Site layout for new warehouse for storage and dispatch of steel sections and sheets including ancillary buildings and proposed future extensions, Newport Road, Pontymister - Approved 06.04.66.

App. No. 1333 - Erection of new warehouse for storage and dispatch of steel sections and sheets including ancillary buildings or previously approved site layout, Newport Road, Pontymister - Approved 07.07.66.

App. No. 1333A - Illuminated name sign on new warehouse premises, Newport Road, Pontymister - Approved 06.03.66.

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App. No. 133B - Extension of existing warehouse for storage and dispatch of steel sheets, Newport Road, Pontymister - Approved 06.03.66.

App. No. 1638 - Erection of vehicle workshop (2437 sq. ft.), John Cashmore Ltd., Pontymister, Risca - Approved 03.02.70.

App. No. 1949 - Erection of new office block, part of existing steel warehouse site, Commercial Street, Pontymister, Risca - Approved 12.06.73.

App. no. 2/5186 - Erect Jib Scotch Derrick to stock structural steel sections, open site at rear of warehouse, Commercial Street, Risca - Approved 11.03.83.

P/05/1046 - Construct offices for W F Manufacturing and speculative offices and workshops - Refused 17.04.08

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: Policy SP5 - within the settlement boundary with no other land use allocation, although the River Ebbw Site of Importance for Nature Conservation runs along the western edge of the site.

#### Policies:

Strategic Policies

SP3 - Development Strategy in the Southern Connections Corridor, SP6 - Place making and SP21 - Parking Standards.

Countywide Policies

CW2 - Amenity, CW3 - Design considerations - highways, CW15 - General locational constraints.

### NATIONAL POLICY

Planning Policy Wales, 7th Edition, July 2014 and TAN 12 - Design.

### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

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### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not relevant to the determination of this planning application.

### CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - Request conditions should be attached to any consent to control activities within the site to limit any adverse effect upon adjacent residential properties and protect residential amenity.

Senior Engineer (Land Drainage) - No comment.

Principal Valuer - No comments.

Natural Resources Wales - The application site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Their Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Ebbw, a designated main river. Given that the proposals do not change the vulnerability classification of the site (less vulnerable) they have no objection to the application. A flood risk statement submitted by Waterman (15th Jan 2015) indicates that flood depths within the site may be up to 1.5m and 2m in the 1 in 100 year (including climate change allowance) and 1 in 1000 year flood scenarios respectively. With respect to the recommendations within the statement, they agree that the site operators should sign up to the NRW flood warning service and that an evacuation plan is created for the site to ensure occupants can vacate the site prior to the onset of flooding. They provide advice to be conveyed to the developer.

Countryside And Landscape Services - No ecological issues in respect of this application.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and 33 neighbouring properties have been consulted.

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Response: Twelve letters have been received.

Summary of observations:

Concern that the proposed change of use has the potential to result in noise, smell and dust pollution together with unsociable working hours, as previously experienced during the period 2009 to 2013, when the site was occupied by the applicant in the manufacturing of steel products, to the detriment of the residential amenity of the occupiers of neighbouring properties.

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? There are no specific crime and disorder implications material to the determination of this planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? No, it is not liable.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance.

The main issues relevant to the determination of this change of use planning application are in respect of amenity and highway considerations. In this respect Policies CW2 - Amenity, and CW3 - Design considerations – highways, of the LDP are relevant to the determination of this planning application.

Policy CW2 of the LDP considers amenity and in this respect complaints have been received raising concern that the proposed change of use has the potential to result in noise, smell and dust pollution together with unsociable working hours, as previously experienced during the period 2009 to 2013, when the site was occupied by the applicant in the manufacturing of steel products, to the detriment of the residential amenity of the occupiers of neighbouring properties.

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This application aims to address previous concerns regarding nuisance. In this respect, the application is not concerned primarily with manufacturing but industrial coating/painting operations, which involve:-

- unload steel within the building;
- blast steel in dedicated booths;
- layout steel for painting/coating;
- paint steel to required specification (including 1,2 or 3 coats);
- when dry, load steel onto trailers;
- store trailers at the rear of building until required for delivery.

All unloading, blasting, painting/coating and assembly/loading will be undertaken within the existing building before external storage.

The applicant has confirmed that the noise levels emitted directly from within the manual blaster are in excess of 100 decibels although the noise directly outside the blaster (which will be sited within the existing building as confirmed by the submitted plans) will be much lower than the daily exposure limit of 80 decibels due to the process being contained by a purpose built and acoustically protected 'booth'. The noise levels outside the building (the doors will be kept shut during painting operations) will be virtually non-detectable from the site boundary (i.e. less than 40 decibels).

Notwithstanding the above, the applicant will put in place the following methods to suitably control nuisance noise:-

- boundary monitoring;
- keeping doors shut during painting operations;
- trained operatives for the plant/machinery;
- automatic shut down if the doors to the blast booths are opened during blasting operations;
- acoustic barriers/enclosures provided within the building;
- limiting noisier tasks to daytime operation;
- maintenance of equipment;
- safe working procedures.

In terms of paint fumes, surveys have been undertaken in the past that have confirmed the use of personal protective equipment for employees although stack monitoring and fugitive emissions monitoring has confirmed that the emissions are below the limits set within the relevant Permit.

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The applicant will however put in place the following controls to suitably control paint fumes:-

- keeping doors shut during painting operations;
- keeping lids on tins;
- lidded waste skips;
- boundary olfactory monitoring;
- maintenance of equipment;
- fume extraction controls with abatement if monitoring identifies a requirement;
- bunded paint stores;
- safe working procedures.

However, the Head of Public Protection requests, notwithstanding the above assurances, that conditions should be attached to any consent to control activities within the site to limit any potential adverse impact upon the residential amenity of the occupiers of neighbouring residential properties. In this respect conditions are requested that confine operations within the building, restrict hours in terms of deliveries and dispatches, operation of machinery, no external storage, all windows and doors to remain closed at all times except for access and egress together with details to be submitted and agreed in writing with the LPA in respect of all external and roof mounted plant/machinery, odour/effluvia/fume control, a scheme of lighting and a scheme of dust mitigation.

Policy CW3 of the LDP considers highway implications and in this respect the Transportation Engineering Manager has raised no objection to the proposed change of use.

Comments from Consultees: The concerns of the statutory consultees referred to above may be addressed by attaching appropriate conditions to any consent.

Comments from public: Twelve letters have been received and their comments are summarised in more detail below.

- land registry documents indicate the property to be a warehouse and any change to a B2 activity is not compatible with neighbouring residential properties;
- Previously suffered nuisance as a result of noise (industrial and transport), fumes and dust during the previous occupation by the applicants when they were in full production, producing steelwork for the Olympic site, and fear the consequences of potential increases in the volume of noise, smells and dust,

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- historically the building was used by Cashmores as a steel storage and distribution depot for around 50 years but when it was occupied by the applicants in 2009 to June 2013, they commenced fabrication and construction of large steel items, working long hours resulting in noise nuisance and disturbing neighbouring residents sleep. Several visits were made to the premises by the Council's Environmental Health department in order to assess alleged nuisance complaints, which resulted in the occupiers being served with an Enforcement Notice requiring hours of operation being restricted;
- request restricted working hours if granted approval;
- feel the wishes of residents at the extreme end of the County Borough are being ignored citing the derelict 'Palace' being turned into a library rather than a preferred community centre or cinema;
- problem of dust blowing into neighbouring gardens exacerbating health problems, dirtying washing on clothes lines and having to keep windows and doors closed;
- trees located on the boundary of the application site are too high and block the light into neighbouring properties;
- led to believe that houses were going to be built on the site;
- if approval is granted the building needs to be insulated against noise, the surface of the road must be improved to prevent dust clouds from lorry movements, an extraction system must be introduced to prevent paint smells, the working hours must be restricted in line with the requirements of the Enforcement Notice;
- 50% of the houses in Fields Road are owned by CCBC and they are designated for pensioner use only and as such the Council, as a responsible social landlord cannot permit the change of use to proceed as it would certainly be to the detriment of tenants.

It is considered the objections raised have been considered above and addressed by attaching appropriate conditions to any consent, which aim to alleviate any potential adverse impact the development may have in terms of noise and dust nuisance. The issue raised in respect of the height of the trees on the boundary of the application site does not form part of this change of use application.

Other material considerations: None.

In conclusion, it is considered the proposed change of use planning application does not conflict with local plan policies or national planning guidance and subject to the imposition of appropriate conditions is acceptable in planning terms.

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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 premises shall be used for industrial coating/painting of steel and for no other purpose, including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in 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: In the interests of residential amenity.
- 03) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) with or without modification, no extension shall be constructed without the approval of the Local Planning Authority.  
REASON: In the interests of residential amenity.
- 04) 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.
- 05) Prior to the commencement of the use hereby approved a scheme for the control of dust arising from external traffic movement within the curtilage of the site shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be implemented at all times to control dust at the site.  
REASON: To prevent pollution.
- 06) All windows and doors to the building subject of this planning application shall remain closed at all times except for access and egress.  
REASON: In the interests of residential amenity.

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- 07) No deliveries shall be taken at or dispatched from the site outside the hours of 8.00 a.m. to 10.00 p.m. Monday to Friday 9.00 a.m. to 6.00 p.m. on Saturdays and not at all on Sundays or Bank Holidays.  
REASON: In the interests of residential amenity.
- 08) Prior to the development commencing, a lighting scheme shall be submitted to and agreed, in writing, with the Local Planning Authority. That scheme shall indicate the type and positioning of luminaires, and a plan indicating expected illuminance levels both on and off site. The lighting shall thereafter be installed and maintained in accordance with the agreed scheme and no additional lighting shall be installed without the approval of the Local Planning Authority.  
REASON: In the interests of nature conservation.
- 09) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.  
REASON: In the interests of the amenity of the area.
- 10) No machinery shall be operated and no process shall be carried out, outside the hours of 8.00 a.m. to 10.00 p.m. Monday to Friday and 9.00 a.m. to 6.00 p.m. on Saturdays. No machinery shall be operated and no process shall be carried out on Sundays or Bank Holidays.  
REASON: In the interests of residential amenity.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 and CW3.

The applicant is advised of the comments of the Senior Engineer (Land Drainage) and Natural Resources Wales.

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