

Application Number: 23/0555/FULL

Date Received: 02.10.2023

Applicant: Starburst UK Ltd

Description and Location of Development: Demolish existing Unit 14 and erect 8 No. use Class B1/B2/B8 units together with associated parking - Stately-Albion Ltd Unit 14 Darren Drive Prince Of Wales Industrial Estate Abercarn

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Stately-Albion Ltd, Unit 14, Darren Drive, Prince Of Wales Industrial Estate, Abercarn, Newport, NP11 5AR.

Site description: Existing industrial unit and grounds.

Development: Demolish existing Unit 14 and erect 8 No. use Class B1/B2/B8 units together with associated parking.

Dimensions: Proposed building measures approximately 74.3m by 18m with an overall height of 8.3m.

Cycle Store measures approximately 2m by 2m with maximum height of 2.1m.
Bin Store measures approximately 2m by 1.2m with maximum height of 1.6m.

Materials: Building to be finished in: Walls: Kingspan Microrib Metal (Silver) cladding and Kingspan KS10000RW (goosewing grey), Doors in solent blue. Roof: Kingspan KS10000RW (goosewing grey).

Cycle store to be metal framed with clear UPVC cladding.
Bin Store to be finished in a softwood frame and slatted timber.

Ancillary development, e.g. parking: 27 Parking Spaces, Cycle and bin stores.

PLANNING HISTORY 2010 TO PRESENT 16/0320/FULL - Erect a Class B1/B2/B8 development with associated parking - Granted 01.06.2016.

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 a designated Employment site.

Policies: CW2 (Amenity), CW3 (Highways), CW5 (Protection of the Water Environment), CW13 (Business and Industry), CW15 (General Locational Constraints), EM2 (Employment Sites Protection), SP3 (Development Strategy in the Southern Connections Corridor), 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 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 a partially within a high risk area, and so it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

Environmental Health Manager - Considers that demolition of existing unit and provision of new larger building with separate units will intensify the potential noise impacts on nearby amenity noting topography with residents at higher level than site. Identifies external working and issues such as openings on units being left open and external plant.

Advise it is necessary to limit hours of operation and impose a number of planning conditions to safeguard neighbour amenity.

Senior Engineer (Drainage) - Sustainable Drainage Approval (SAB) is required for the development.

Waste Strategy And Operations Manager - No objections, notes that bins storage areas are proposed and that all bins will be required to be presented at a suitable collection point by the tenant and returned to the storage area once emptied regardless of

whether the waste collections are undertaken by the Council or a private contractor providing the collection services.

Strategic & Development Plans - Do not raise any objections subject to consideration of drainage and other material considerations.

Ecologist - We recommend the inclusion of one planning condition to secure biodiversity conservation and enhancement on site.

Heritage Officer - Peter Thomas - I am satisfied there are no impacts on the built historic environment arising from this application.

Dwr Cymru - Following a review of the proposed development it was concluded that the anticipated flows would overload the existing public sewerage system. No improvements are planned within Dwr Cymru/Welsh Water (DCWW) Capital Investment Programme. However, further to discussions with the developers, we would advise that there is scope to remove surface water flows to compensate for foul flows from the proposed development, which would ensure that there is no net increase in volume of flows communicating with the public sewer network.

In light of the above we would consider a suitably worded condition as a means of exercising control over the development and ensuring the implementation of an acceptable solution in advance of the communication of foul flows to the public sewer network.

Advise that the site is crossed by a public sewer and provides advice for applicant.

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

Estates Manager - No comments.

Natural Resources Wales - We have concerns with the application as submitted. However we are satisfied that these concerns can be overcome by attaching planning conditions requiring:
Measures to address Ground Contamination.
Construction Environment Management Plan (CEMP).

The planning application proposes less vulnerable development and note that the site falls entirely within zone C2 of the Development Advice Map (DAM) as contained within Technical Advice Note 15 (TAN15): Development and Flood Risk (2004).

However, at this location the Flood Map for Planning (FMfP) is the best available information on flood risk. The FMfP identifies the application site to be within Flood Zone 1 (less than a 0.1% chance of flooding in a given year), with a small portion of

Flood Zone 2 along the access of the site, which we note to be outside the red line boundary of the site.

On this basis, we have no objection to the application as submitted with regards to flood risk.

The Coal Authority - No objections.

Transportation Engineering Manager - CCBC - No objections subject to planning conditions to address detailed highway considerations.

Placemaking Officer - Douglas McGlyn - Notes the similarity of design to the existing units to the east. Queries northern end of the building in terms of delivery conflicts with adjacent building.

It would be advantageous for this building to have renewables on the roof, make use of an air source or ground source heat pump or an energy network and use better insulating product on the walls and roof, ensuring a reduction in heat costs for the building in the winter and cooling in the summer. This would help with the Welsh Governments push for net zero by 2035.

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

Police Architectural Liaison Officer - No response received.

ADVERTISEMENT

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

Response: No responses have been received.

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?

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 use classes sought for permission would be 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 the impact on neighbour amenity and the visual appearance of the development on the character of the area. The application is reported to planning committee as due to the floorspace of the building being in excess of 1000sqm it falls within the major development category.

The application site is within an established employment site which is protected under the adopted Local Development Plan Policy EM2 as part of the Prince of Wales employment site in Abercarn (EM2.27). Under this policy the Prince of Wales employment site is designated as a secondary site. Policy EM2 works in tandem with Policy CW13 (Business and Industrial) which on secondary sites permits developments including within criterion C(i) those "within use classes B1, B2 or B8". The proposal is for the development of 8 units which could be used for either B1, B2 or B8 uses and therefore is considered to accord with these Policies. The principle of development is therefore acceptable and compatible with the identified use and also accords with Policy CW15 (General Locational Constraints) which requires proposed development within settlement boundaries under criterion B to "accord with the role and function of the settlement within which they are located."

The applicant has stated in the submitted information that the existing building on site which is proposed to be demolished has a floorspace of 1,029sqm and the replacement building sought permission for in this application will have a gross internal area of 1,404sqm.

The design of the proposed building is considered to be acceptable having a similar visual appearance as a relatively recently constructed set of units to the east (which were approved under planning permission 16/0320/FULL). The proposed building would be approximately 7m longer than the unit to the east and would be angled in relation to it but would be of a broadly similar width and height and this is considered acceptable in terms of its visual impact and would have an acceptable impact on the character of the area according with Policy SP6 (Placemaking).

The site is separated from residential properties by existing business uses and in terms of other surrounding uses a fire station is located to the south. The Environmental Health Officer has recommended planning conditions in respect of hours of operation and noting these proposed restrictions it is considered that there would be no unacceptable impacts on neighbour amenity. The development accords with Policy CW2 (Amenity).

The proposal includes parking within the site as well as space for bicycles and motorbikes. The Transportation Engineering Manager has reviewed the application and raised no objections to it subject to planning conditions which will require the parking area to be made available prior to the units being brought into use. The proposal accords with Policy CW3 (Highways).

It is noted that Natural Resources Wales have offered no objections from a Flood risk perspective and are satisfied that with the imposition of planning conditions the development will have acceptable impacts on the nearby river. The Council's Ecologist has raised no objections and recommends biodiversity enhancement which will be secured via planning condition.

Comments from Consultees: Senior Engineer (Drainage) has confirmed that the development would require separate Sustainable Drainage (SAB) approval. The Officer has requested further information on drainage but it is considered that these matters will be addressed through the SAB process and so an informative note is proposed highlighting the need for the developer to obtain SAB approval prior to development commencing.

Dwr Cymru/Welsh Water have advised that due to local issues with capacity in the existing public sewerage system the anticipated flows from the development would overload the system. The developer has been in discussions with Dwr Cymru in overcoming this issue and the response from Dwr Cymru/Welsh Water states that in their view there is scope to remove surface water flows to compensate for foul flows from the proposed development which would ensure that there is no net increase in volume of flows communicating with the public sewer network. Dwr Cymru/Welsh Water have recommended a planning condition be attached to the permission to address the issue. It is considered that the imposition of a condition would be necessary and reasonable to overcome the identified capacity issue in this area and given the engagement by the developer with Dwr Cymru/Welsh Water it would be appropriate to impose the requested condition in this particular instance.

The Placemaking Officer has raised no objections to the scheme and in terms of deliveries the proposal has been reviewed by the Transportation Engineering Manager who has not raised concerns in terms of siting or access. It is considered that the incorporation of renewable energy/low carbon technology would be a matter for the developer to consider and the comments of the Placemaking Officer will be highlighted to the developer in an informative note.

Comments from public: None received.

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 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, drawing reference 221131/5 Rev B;
Proposed Floorplan and Elevations, drawing reference 221131/3 rev A;
Proposed Site Plan, drawing reference 221131/2 Rev C;
Cycle and Bin Stores, drawing reference 221131/4.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) No development shall commence until a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed development site is submitted to and approved in writing by the Local Planning Authority. Thereafter no unit hereby approved shall be brought into beneficial use until the approved surface water removal strategy has been implemented in accordance with the approved details and written confirmation of this must be received by the Local Planning Authority.
REASON: To prevent hydraulic overloading of the public sewerage system and pollution of the water environment in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) The units shall not be occupied until the areas indicated for the parking and turning of vehicles have been laid out in accordance with the submitted plans to the satisfaction of the Local Planning Authority, 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.

- 05) The proposed parking areas, in addition to the operational space on the area of land remaining once demolition has occurred, shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc. is not carried on to the public 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.
- 06) 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.
- 07) The proposed covered cycle storage area shall be provided in accordance with the submitted plans prior to beneficial occupation of the units, and shall be maintained thereafter in perpetuity for the use of staff and visitors.
REASON: To ensure that adequate off-street parking and cycle storage 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.
- 08) No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site (inclusive of the external areas) outside the following times:
Monday - Friday: 07:00 - 18:00.
Saturday: 08:00-13:00.
No operations Sundays or Bank Holidays.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) 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.
- 10) Prior to development commencing on site, details of all external and roof mounted plant/machinery associated with the application shall be submitted to and agreed in writing with the Local Planning Authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter these agreed details shall be fully installed prior to the use of each of the units commencing.

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.

- 11) Prior to the development hereby approved coming into beneficial use arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the Local Planning Authority, prior to the commencement of works on site.
REASON: In the interest of public health and the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) 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.
- 13) No development on the site shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.
 1. A preliminary risk assessment which has identified:
 - all previous uses,
 - potential contaminants associated with those uses,
 - a conceptual model of the site indicating sources, pathways and receptors,
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

REASON: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination in the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 14) 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.

- 15) Prior to the occupation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

REASON: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 16) No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan

(CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.

Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

REASON: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction in the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 17) 2 No. bird boxes shall be attached to the new build at the gable apex or at the eaves on the northern or eastern elevations. The boxes shall be retained in situ for a minimum of 5 years.

REASON: To provide nesting 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).

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

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

Please find attached the comments of Environmental Health Manager, Senior Engineer (Drainage), Placemaking Officer, Chief Fire Officer, Dwr Cymru/Welsh Water and Natural Resources Wales that are brought to the applicant's attention.

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