

RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/16/137/FUL

APPLICANT: CARDIFF READYMIX
C/O JAMIE ELLISON YNYS FACH YARD TAFFS WELL CARDIFF

LOCATION: PLOT 116 VILLAGE FARM ROAD VILLAGE FARM INDUSTRIAL
ESTATE PYLE

PROPOSAL: USE OF LAND FOR CONCRETE MANUFACTURING INCLUDING THE
INSTALLATION OF A BATCHING PLANT & ANCILLARY DEVELOPMENT

RECEIVED: 22nd February 2016

SITE INSPECTED: 7th April 2016

APPLICATION/SITE DESCRIPTION

The application seeks planning permission to change the use of this site within Village Farm Industrial Estate from a vacant site to a concrete manufacturing facility.

A concrete manufacturing plant falls within Class B2 of the Town and Country Planning (Use Classes) Order 1987.

The development also includes the erection of 2 silos, plant, storage bays and portable cabins on site. The proposed silos will reach a maximum height 9.7m and the plant will reach a maximum height of 7.08m.

RELEVANT HISTORY

None

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations expired on 23 March 2016.

NEGOTIATIONS

The applicant was requested to provide further information in respect of the manufacturing process. Additional information was received on 29 March 2016.

CONSULTATION RESPONSES

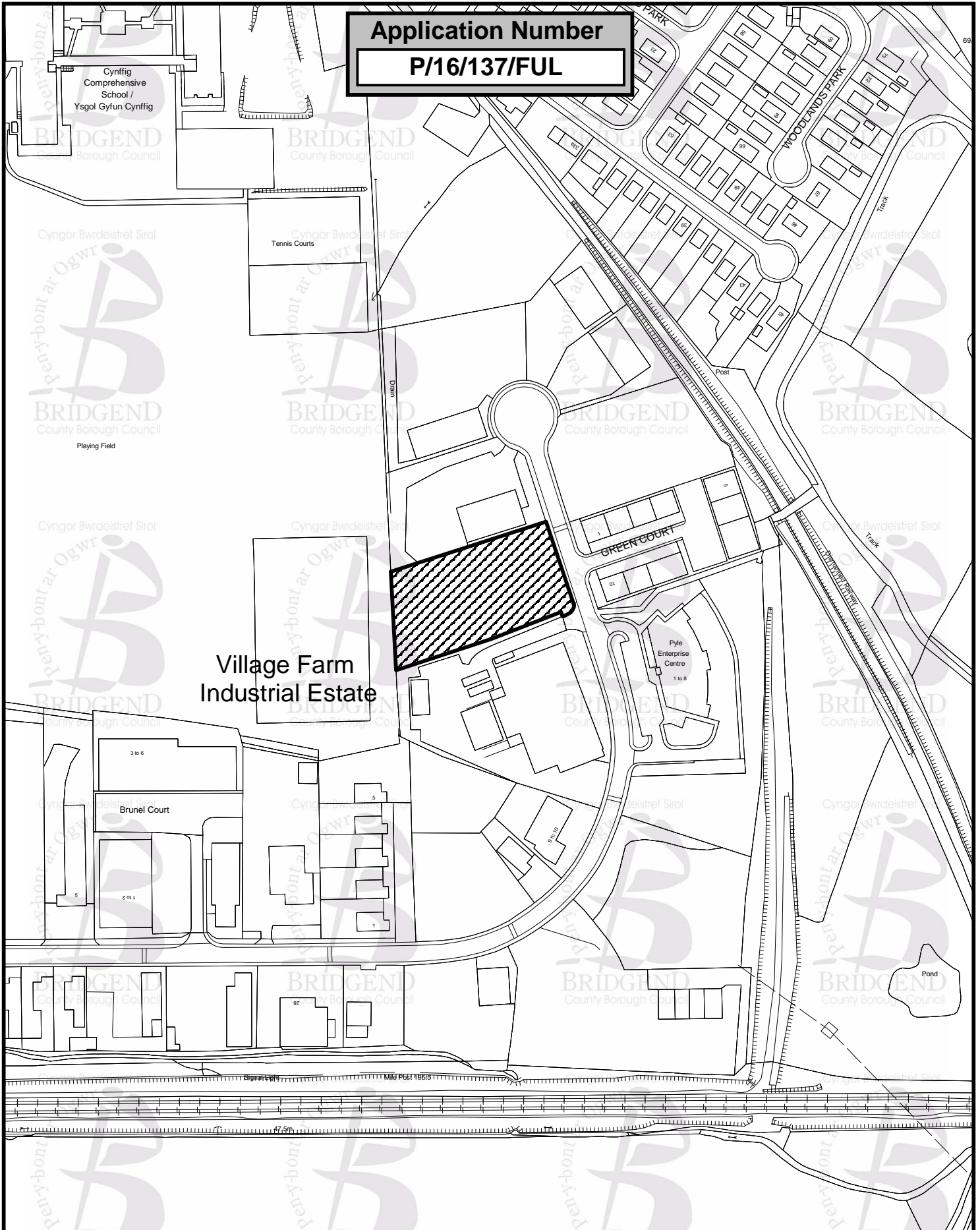
Town/Community Council Observations

Objects to the proposal for the following reason:-

'The members of Pyle Community Council object to this application as the site of the proposed business backs directly onto Cynffig Comprehensive School. The concrete dust and noise generated by the day to day activities of this business would be detrimental to the School

Application Number

P/16/137/FUL



**Village Farm
Industrial Estate**



Scale 1:2,500

**Date Issued:
03/06/2016**

**Development-Mapping
Tel: 01656 643176**

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
Bridgend CF31 4WB.

O/Drive/Plandraw/new MI layouts/
Committee DC Plan

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environment.'

Councillor P James

Objects to the proposal for the following reasons:-

- Dust
- Noise

Head Of Street Scene (Drainage)

Requested that a condition be attached to any consent granted.

Group Manager Public Protection

Requested that a condition be attached to any permission granted.

REPRESENTATIONS RECEIVED

None

COMMENTS ON REPRESENTATIONS RECEIVED

The proposed development has been assessed by the Public Protection department in respect of the impact on nearby uses and no objections have been raised subject to two conditions.

The Public Protection department have also advised that an Environmental Permit will be required for the development.

APPRAISAL

The application is referred to the Development Control Committee for determination in view of the objection received from the Community Council and the local Member.

The application seeks permission to change the use of this industrial site to a concrete manufacturing plant.

The application site is located within Village Farm Industrial Estate which is allocated and protected for development falling within B1, B2 and B8 employment uses by Policy REG1 (36) of the Bridgend Local Development Plan (LDP). The proposed manufacturing operation falls within Class B2 and, as such, is considered to be an appropriate use within the industrial estate.

Strategic Policy SP2 relates to design and sustainable place making and the proposed scheme should comply with the criteria of Policy SP2. Policy SP2 of the LDP states:-

'All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment'

In terms of the visual impact of the development, the application site is located within an industrial estate and there are large detached industrial buildings located on the neighbouring sites. The proposed development is industrial in appearance and is, therefore, considered to be appropriately located within a designated industrial estate. The application does not include details of the proposed portable cabins or storage bays, consequently, a condition is recommended requiring details of both to be submitted to and agreed in writing by the Local

Planning Authority.

Cynffig Comprehensive School building is located approximately 250m to the north west of the application site. The site backs on to the south eastern corner of the school's playing fields. The scheme has been assessed by the Public Protection department of the Council in terms of its impacts on public health. The Public Protection Officer advised that the development will also be the subject of an Environmental Permit for which the developer will have to apply. This is a separate legislative regime and will regulate the public health implications of the development. Particular attention will need to be paid to the control of emissions from the fine limestone dust during deliveries and when that limestone is transferred from the storage bays to the hoppers, and this will be covered by the required Permit.

In respect of noise, a condition is recommended requiring any fixed plant and machinery to be fitted with white noise reversing alarms rather than tonal beepers and another condition is recommended restricting the operating times of the site.

The proposed development is considered to be compliant with LDP policies and will not have a significant adverse impact on visual amenities or public health. Consequently the development is recommended for approval.

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This 'duty to conserve biodiversity' has been replaced by a 'biodiversity and resilience of ecosystems duty' under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that 'a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.' Section 6(2) goes on to state that 'In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.'

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

The site is located approximately 100m from a SINC. Given the distance between the SINC and the application site and the existing industrial uses of the estate, the development is not considered to have an adverse impact on the SINC.

The site has been cleared of any vegetation, and being located within an existing industrial estate, it is considered there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP

policies.

In respect of the Wellbeing of Future Generations (Wales) Act 2015, Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- * A prosperous Wales
- * A resilient Wales
- * A healthier Wales
- * A more equal Wales
- * A Wales of cohesive communities
- * A Wales of vibrant culture and thriving Welsh language
- * A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that the impact of the development on the achievement of the well-being goals and objectives has been addressed in the appraisal.

Whilst determining this application Policies REG1(36) & SP2 of the Bridgend Local Development Plan were considered.

CONCLUSION

Notwithstanding the objections received this application is recommended for approval because the development complies with Council policy and Council's guidelines and does not adversely affect neighbours' amenities or highway safety as to warrant refusal.

RECOMMENDATION

(R02) That permission be GRANTED subject to the following condition(s):-

- 1 The development shall be carried out in accordance with the following approved plan:-

Complessivo con ingombri (received on 22 February 2016)

Site layout (received on 22 February 2016)

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

- 2 Any fixed plant and machinery and any machinery operating wholly within the site, which are fitted with reversing alarms, shall be fitted with white noise reversing alarms and not tonal reversing beepers.

Reason: In the interests of residential amenity.

- 3 The use hereby permitted shall not operate outside the following times:-

Monday - Friday 07:00-18:00

Saturdays 07:30-12:00

and not at all on Sundays or Bank Holidays.

Reason: In the interests of residential amenities.

- 4 No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to beneficial use commencing.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

- 5 No development shall commence on site until details of the portable cabins and the storage bays have been submitted to and agreed in writing by the Local Planning Authority. The portable cabins and storage bays shall be implemented as agreed.

Reason: In the interests of visual amenity.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) Notwithstanding the objections received this application is recommended for approval because the development complies with Council policy and Council's guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

b) Condition 2 does not include delivery vehicles entering and leaving the site.

c) The developer is advised that an Environmental Permit is likely to be required for the development.

d) No surface water is allowed to discharge onto the public highway

e) No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

f) The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via <http://www.bridgend.gov.uk/planningapplications/search.php>

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None