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(Tel: 01443 864281 Email: [hughesj@caerphilly.gov.uk](mailto:hughesj@caerphilly.gov.uk))

**Date: 31st January 2023**

To Whom It May Concern,

A multi-locational meeting of the **Planning Committee** will be held in the Council Chamber, Penallta House, and via Microsoft Teams on **Wednesday, 8th February, 2023** at **5.00 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided on request.

Members of the Public or Press may attend in person at Penallta House or may view the meeting live via the following link: <https://civico.net/caerphilly>

This meeting will be live-streamed and a recording made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals present and/or speaking at Planning Committee will be publicly available to all via the recording on the [Council website](#).

Interested parties may make a request to speak in regard to any item on this agenda. To obtain further details on this process please contact the Committee Clerk [hughesj@caerphilly.gov.uk](mailto:hughesj@caerphilly.gov.uk).

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy Harrhy', written over a large, stylized, light-colored oval shape.

**Christina Harrhy**  
CHIEF EXECUTIVE

## A G E N D A

Pages

A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



1 To receive apologies for absence.

2 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

3 Planning Committee held on 11th January 2023. 1 - 6

To receive and consider the following report(s): -

4 Application No: 20/1027/OUT - Land At Grid Ref 314548 202993, Duffryn Terrace, Elliot's Town. 7 - 18

5 Application No: 21/1158/RET - GLJ Recycling Ltd, Chapel Bridge Yard, Chapel Farm Industrial Estate, Cwmcarn, Newport NP11 7NL. 19 - 40

6 Application No: 22/0175/NCC - Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed, CF82 8FY. 41 - 56

7 Application No: 20/0316/COU - Braithwaite Engineers Ltd, Rowecord Building, Commercial Street, Newport Road, Pontymister, Risca, Newport, NP11 6EY. 57 - 84

### **Circulation:**

Councillors M.A. Adams, Mrs E.M. Aldworth (Vice Chair), A. Angel, R. Chapman, N. Dix, G. Ead, J.E. Fussell, A. Hussey, D. Ingram-Jones, B. Miles, M. Powell, R. Saralis (Chair), J. Taylor, S. Williams, A. Whitcombe and K. Woodland

And Appropriate Officers

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## PLANNING COMMITTEE

### MINUTES OF THE MULTI-LOCATIONAL MEETING HELD AT PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON WEDNESDAY, 11<sup>TH</sup> JANUARY 2023 AT 5:00 PM

#### PRESENT:

Councillor R. Saralis – Chair  
Councillor Mrs E. M. Aldworth – Vice Chair

#### Councillors:

M. A. Adams, A. Angel, R. Chapman, N. Dix, G. Ead, J. Fussell, A. Hussey, D. Ingram-Jones, B. Miles, M. Powell, J. Taylor, A. Whitcombe, S. Williams, and K. Woodland.

Cabinet Member: Councillor P. Leonard (Planning and Public Protection).

#### Together with:

R. Tranter (Head of Legal Services and Monitoring Officer), R. Thomas (Planning Services Manager), C. Powell (Team Leader Development Management), E. Rowley (Principal Planner), A. Pyne (Principal Planner), L. Cooper (Assistant Engineer), C. Campbell (Transportation Engineering Manager), Maria Godfrey (Team Leader - Pollution Control and Emergency Planning and Resilience), V. Julian (Senior Solicitor) and S. Hughes (Committee Services Officer).

## RECORDING, FILMING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being live-streamed and recorded and would be made available following the meeting via the Council's website – [Click Here to View](#). Members were advised that voting on decisions would be taken via Microsoft Forms.

### 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from R. Kyte (Head of Regeneration and Planning) and J. Waite (Principal Planner).

### 2. DECLARATIONS OF INTEREST

Councillor K. Woodland asked for advice on whether he needed to declare a personal interest in [Agenda Item No. 5 \(Application No. 20/0957/FULL\)](#), as the application was within his ward. The Monitoring Officer advised that there was no interest to declare in

these circumstances, but it was a matter for the Member. Councillor K. Woodland did not declare an interest.

### 3. **MINUTES – 14<sup>TH</sup> DECEMBER 2022**

It was moved and seconded that the minutes of the meeting held on the 14<sup>th</sup> December 2022 be agreed as a correct record. By way of Microsoft Forms (and in noting there were 13 votes for, 0 votes against and 2 abstentions) this was agreed by the majority present.

RESOLVED that the minutes of the Planning Committee meeting held on 14<sup>th</sup> December 2022 (minute nos. 1-7) be approved as a correct record.

The Planning Committee considered the applications in the order recorded below.

### 6. **APPLICATION NO: 22/0443/FULL – LAND AT FORMER CROWN INN, THE CROWN ACCESS ROAD, PONTLLANFRAITH**

The Planning Case Officer presented the application, with it confirmed in the accompanying report that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11.

Councillor C. Gordon (Local Ward Member) spoke in objection to the application and D. Parker (Applicant's Agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation be approved. By way of Microsoft Forms (and in noting there were 13 votes for, 0 against and 2 abstentions) this was agreed by the majority present.

RESOLVED that: -

- (i) (A) the application be deferred to allow the applicants to enter into a Section 106 Obligation to provide the following:-

25% provision of Affordable Housing.

- (ii) on completion of the Section 106 Obligation that (B) planning permission be GRANTED subject to the following condition and the conditions contained in the Officer's report.

If the obligation is not completed within three months of the resolution to approve, that the Head of Planning and Regeneration be granted delegated powers to refuse the application for failure to comply with Policy CW11 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

- (iii) the applicant be advised to refer to Public Access on the Council's website to view the comments of the consultees that are brought to the applicant's attention that inform any future details reserved by condition and subsequent reserved matters application. Informative information is also provided.

(iv) NOTE

The applicant be made aware that the proposed scheme includes off site highway works and as such they will need to enter into a legal agreement / licence with the Highway Authority to undertake such works. No works shall be undertaken on or adjacent to the highway until the said agreement/ licence has been completed. The applicant is therefore advised to contact the Highway Development Control as soon as possible once planning permission is granted.

The applicant be made aware that there is a requirement to undertake a TRO (Traffic Regulation Order) to extend the double yellow lines along Trem-Y-Goron, the costs of this order will be borne by the developer and should be completed prior to occupation of the development.

- (v) the applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the [Coal Authority Website](#)

(vi) 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.

**4. PREFACE ITEM APPLICATION NO: 21/1213/FULL – FORMER ST CATHERINE’S CHURCH, GLADSTONE STREET, CROSSKEYS, NP11 7PA**

The Planning Case Officer presented the application, with it confirmed in the accompanying report that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11.

Following consideration of the application for the reason given in the Officer’s Preface Report, that the proposed residential development by virtue of the non-provision of off-street car parking, would result in additional on street car parking to the detriment of the effective and efficient use of the local highway network and highway safety. Accordingly, the proposed development conflicts with the requirements of Policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 and the guidance contained in Supplementary Planning Guidance LDP 5 – Car Parking Standards, the application be REFUSED. By way of Microsoft Forms (and in noting there were 11 in favour of refusal, 4 in favour of granting and 0 abstentions) the application was refused by the majority present.

RESOLVED that the application be REFUSED.

**5. APPLICATION NO. 20/0957/FULL – LAND AT THE OLD FARMHOUSE, PENTREF-Y-GROES FARM LANE EAST, CROESPENMAEN**

The Planning Case Officer presented the application, with it confirmed in the accompanying report that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer’s report and the inclusion of an additional condition, the recommendation be approved. By way of Microsoft Forms (and in noting there were 15 votes for, 0 votes against and 0 abstentions) this was unanimously agreed.

RESOLVED that: -

- (i) subject to the following condition and the conditions contained in the Officer’s report, the application be GRANTED.

The existing lane (Pentref-Y-Groes Farm Lane East) serving the application site shall be improved in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority before any works commence on the development hereby approved. The improvements shall be completed in accordance with the approved details before the development is brought into beneficial use.

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- (ii) the applicant be advised:  
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)

- (iii) the applicant be advised of the comments of Dwr Cymru/Welsh Water.
- (iv) the applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the [Coal Authority Website](#).

The meeting closed at 6.34 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 8<sup>th</sup> February 2023, they were signed by the Chair.

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CHAIR

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**Application Number:** 20/1027/OUT.

**Date Received:** 12.03.2021.

**Applicant:** Active Property Agents Ltd.

**Description and Location of Development:** Erect a two and a half storey block of flats to create 2 No. two bed flats and 1 No. one bed flat - Land At Grid Ref 314548 202993 Duffryn Terrace Elliot's Town.

**APPLICATION TYPE:** Outline Application.

## SITE AND DEVELOPMENT

Location: Land At Grid Ref 314548 202993, Duffryn Terrace, Elliot's Town, New Tredegar.

Site description: A broadly triangular parcel of land which is located between Duffryn Terrace and Fothergills Road in Elliot's Town. It has an existing access from Duffryn Terrace and is mainly grassed. The general topography rises south-eastwards along Duffryn Terrace and more sharply north-eastwards with Fothergills Road set at a higher level than Duffryn Terrace.

Development: Erect a two and a half storey block of flats to create 2 No. two bed flats and 1 No. one bed flat.

Use: Residential.

The amount of development proposed for each use: The indicative plans are for the construction of two and half storey block of flats to create two 2no bed flats and 1no one bed flat.

Indicative layout: This shows an apartment block to the western side of the site close to the nearest end of terrace dwelling (29 Duffryn Terrace).

Indicative access points: Two vehicular access points are indicated onto Duffryn Terrace with the westernmost being an "in only" entry point and to the east is an "out only" exit point. Indicative traffic control measures in the form of one way traffic control plates have been indicated to prevent future occupiers from exiting the site via the western "in only" vehicle access point.

Dimensions: Apartment parameters: Length 11m, Width 8m, Height between 7.85m and 8.60m.

Materials: Not specified.

Ancillary development, e.g. parking: Six parking spaces are proposed within the development and a bin store area.

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.

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), 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.

## 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 High risk area, and the Coal Authority have requested planning conditions be attached to any consent.

## CONSULTATION

Dwr Cymru/Welsh Water - No objections.

The Coal Authority - No objections subject to the imposition of planning conditions to require site investigations to be undertaken prior to commencement of development and thereafter the inclusion of any necessary mitigation measures in the subsequent construction of the development.

Ecologist - No objection, recommends a planning condition to require ecological enhancement.

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

Environmental Health Manager - No objections in principle, provide recommended conditions on contamination.

Senior Engineer (Drainage) - Confirm that SAB approval is required for the development and request a planning condition is attached for drainage conditions.

### ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice.

Response: 10 representations have been received.

### Summary of observations:

Highway Safety concerns including accidents in the area.

Concern with new access onto Duffryn Terrace.

Would limit existing on street parking.

Existing Parking problems and level of proposed parking.

Safety of pedestrians (including children) using the pavements.

Loss of light and Privacy.

Stability issues.

Land should instead be used by the council to provide a car park for current homes.

Claim of adverse possession on the land.

### 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? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, however the site is in the lower viability area for CIL and is zero rated for residential development.

## ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The application site is within the defined settlement boundary for New Tredegar and the proposal for residential development on the site accords with adopted Local Development Plan Policies SP5 (Settlement Boundaries) and CW15 (General Locational Constraints) in accordance with the role and function of the settlement of New Tredegar.

The main considerations for the application are the impact on neighbour amenity, highway safety and the visual appearance of the development on the character of the area.

The application has been submitted in outline with all matters reserved for future consideration. Following detailed discussions with the applicant an amended indicative layout has been supplied which shows an indicative access point onto Duffryn Terrace indicating that a one way system with the site is feasible and vision splays on the exit can be provided and a suitable parking layout can be achieved within the site. The indicative site plan shows the apartment block sited to the east of the current end of terrace dwelling (29 Duffryn Terrace). The broad design and form of the apartment block is acceptable in principle and detailed design and layout is to be agreed under reserved matters. The proposal accords with adopted Local Development Plan Policy SP6 (Placemaking).

In terms of the impact on neighbour amenity it is noted that the main side wall of the nearest property (29 Duffryn Terrace) is unfenestrated. Number 29 Duffryn Terrace does have windows on the rear façade and also on the east facing side elevation of a rear two storey projection. The submitted indicative block plan indicates that the proposed apartment block could be sited to avoid direct overlooking to existing windows and can be designed not to have an unacceptable impact in terms of light or outlook on the existing windows of number 29 Duffryn Terrace or its amenity spaces, some of which are elevated on higher ground. The nearest properties on Fothergills Road to the north-east are elevated above the site level and no unacceptable impacts on their amenity would result from the development of the site. There would also be no unacceptable amenity impacts on properties to the south-west of Duffryn Terrace due to their position and level. The development would accord with adopted Local Development Plan Policy CW2 (Amenity) in having an acceptable impact on all existing surrounding residential properties.

The impact on highway safety has been considered. The proposal has indicated that a one way system with separate access and egress can be provided onto Duffryn Terrace and suitable visibility splay can be achieved on the eastern exit junction. There is sufficient room on the land to provide suitable parking for the development and as such the proposal is considered to accord with Policy CW3 (Highways). The Transportation

Engineering Manager has provided conditions to ensure the reserved matters submission incorporates agreed measures.

Comments from Consultees: Suitable conditions are imposed where requested by Consultees and deemed necessary.

Comments from public:

Highway Safety concerns including accidents in the area.  
Concern with new access onto Duffryn Terrace.  
Would limit existing on street parking.  
Existing Parking problems and level of proposed parking.  
Safety of pedestrians (including children) using the pavements.

The Transportation Engineering Manager has been involved in discussions with the applicant on the proposal and indicative plans have shown that a suitable access to the site can be achieved with a one-way system within the site with separate points of access and egress. The exit point can achieve suitable vision splays onto Duffryn Terrace and no objection in terms of impacts on the existing highway network have been raised in respect of the proposal. Planning conditions are proposed to ensure that the detailed design incorporates suitable highway access and parking levels. It is considered that development of the site for residential purposes can be achieved with an acceptable impact on highway safety and parking and exact details would be agreed under reserved matters.

- Loss of light and Privacy

The indicative layout indicates that an apartment block can be achieved on the site without having an unacceptable impact on light or privacy for surrounding properties. Detailed design will come forward under reserved matters and will need to maintain suitable impacts on surrounding dwellings.

- Stability issues

If applicable this would be a matter for the developer to address through the development.

- Land should instead be used by the council to provide a car park for current homes

The land is within private ownership and therefore this is the private view of the objector and not a material planning consideration in the determination of this application.

- Claim of adverse possession on the land

This would be a separate civil matter and the applicant is determined on the basis of the ownership certificate signed.

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 acceptable in principle in terms of the use of the land for residential development, a suitable form of development can be agreed through reserved matters in respect of design, impact on neighbour amenity and highway safety. The application is recommended for approval accordingly.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) No development shall commence until;  
a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;  
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.  
The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.  
REASON: To ensure any mining legacy issues are suitably identified and addressed in accordance with Paragraphs 6.9.22-6.9.28 of Planning Policy Wales.
- 06) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably qualified person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.  
REASON: To ensure any mining legacy issues are suitably addressed in accordance with Paragraphs 6.9.22-6.9.28 of Planning Policy Wales.
- 07) 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.

- 08) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WPGA 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.
- 09) 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.
- 10) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.  
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 commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.  
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.
- 12) The Reserved Matters application shall include details of replacement tree planting and the inclusion of 6 No. integrated swift boxes on the new build. The boxes shall be incorporated prior to beneficial use of the building. The boxes shall be retained in situ for a minimum of 5 years.  
REASON: To provide compensation and additional nesting for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act
- 13) Any proposed vehicle egress point from the site shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4m x 43m. No obstruction or



planting when mature exceeding 0.6m in height above the adjacent footway 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.

- 14) Parking throughout the development shall be provided in accordance with adopted Supplementary Planning Guidance note LDP 5 Car Parking Standards, prior to beneficial occupation of the development.

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 15) The parking area and access shall have a maximum gradient not exceeding 12.5% (1 in 8) and shall be completed prior to beneficial occupation of the development.

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 16) Prior to the commencement of development a scheme for vehicular access and egress control into the site, to include any necessary physical measures to control vehicle movements and/or off-highway signage scheme to facilitate these shall be submitted for the written agreement of the Local Planning Authority. The agreed scheme shall be completed prior to beneficial occupation of the development.

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

#### Advisory Note(s)

##### 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.

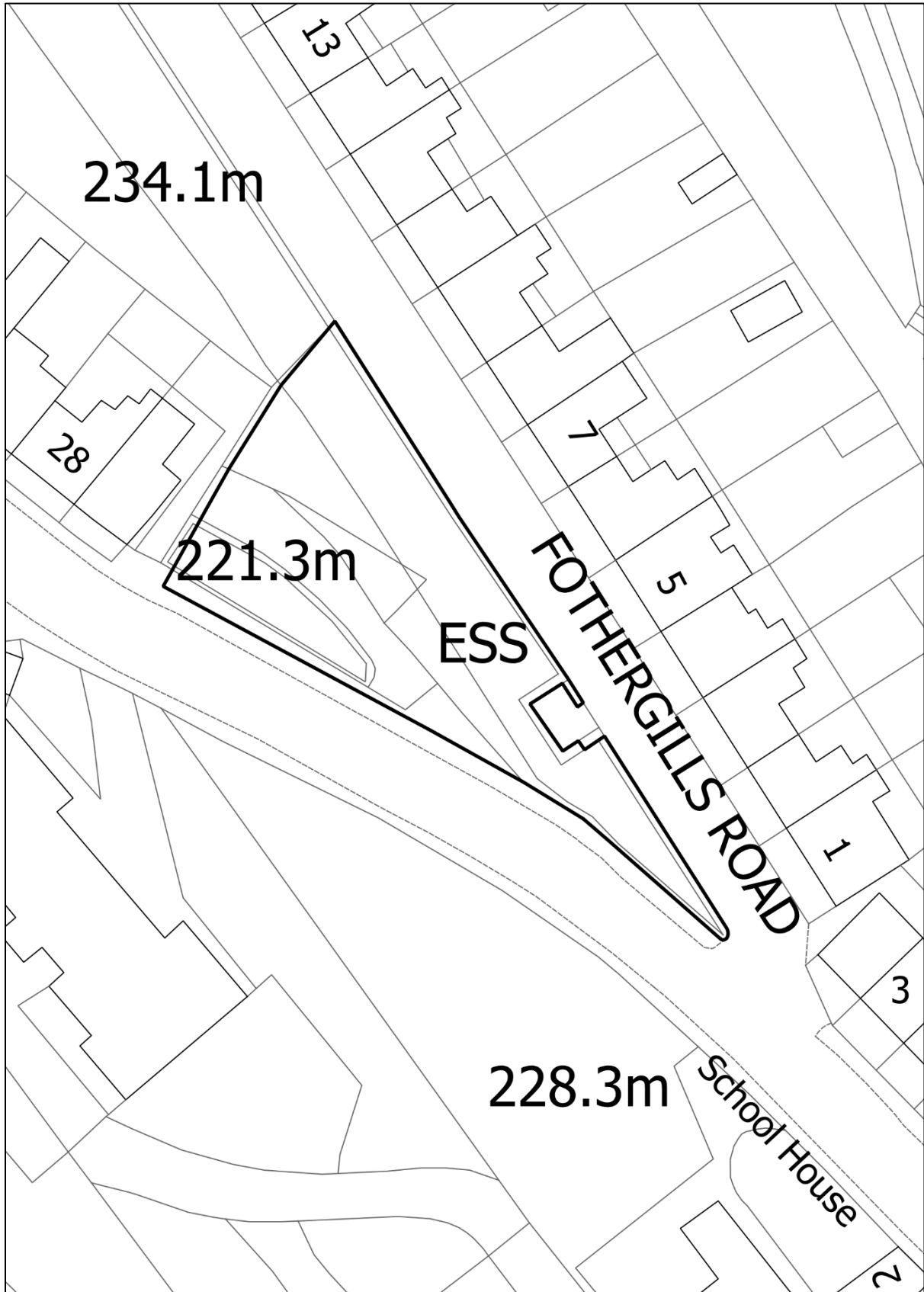
The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

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 Dwr Cymru/Welsh Water, The Coal Authority that are brought to the applicant's attention.



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**Application Number:** 21/1158/RET.

**Date Received:** 12.12.2022.

**Applicant:** GLJ Recycling Ltd.

**Description and Location of Development:** Retention of existing shredder and associated works and erect a new heavy fraction processing plant together with new site enclosure (boundary fence), pre-shredder plant and associated works - GLJ Recycling Ltd Chapel Bridge Yard Chapel Farm Industrial Estate Cwmcarn Newport.

**APPLICATION TYPE:** Retain Development Already Carried Out.

## SITE AND DEVELOPMENT

Location: GLJ Recycling Ltd, Chapel Bridge Yard, Chapel Farm Industrial Estate, Cwmcarn, Newport.

Site description: The site is relatively flat and is used as a scrap metal recycling yard, to the east is the River Ebbw with the Chapel Farm Industrial Estate beyond and to the west is a railway line. There are residential dwellings to the north (Chapel Farm Terrace) and a railway line bounds the western side of the site.

Development: Retention of existing shredder and associated works and erect a new heavy fraction processing plant together with new site enclosure (boundary fence), pre-shredder plant and associated works.

Dimensions: The shredder and downstream plant in total measures approximately 67m long by 38m wide (max extent) with an overall height of 14.2m.

The as yet to be brought into operation pre-shredder measures approximately 7.6m wide by 11m long with a height 8.1m.

The proposed Heavy Fraction processing plant includes a building with an overall length of 52.6m which has a maximum width of 20m which steps in at the northern end to approximately 10.1m apart from a 4m section at the northern tip which reduces to 2.5m wide. The height ranges from 10.1m reducing to 8.1m and then to 3.3m approximately in line with the reductions in width as stated above. Associated plant would extend beyond this building for a distance measuring approximately 17m with this plant reaching a maximum height of 8.7m.

Boundary treatments to be increased between 3.5m and 13m high in sections.

Materials: Heavy Fraction building walls and roof in profiled cladding colour light grey with fascia/rainwater gutter and roller shutters and fire exit doors in pearl gold.

Ancillary development, e.g. parking: None.

## PLANNING HISTORY 2010 TO PRESENT

11/0651/FULL - Construct a steel framed building for the storage of non-ferrous metals - Granted 18.04.2012.

11/0705/RET - Retain the change of use as a scrap yard to incorporate end of life vehicle facility - Granted 13.04.2012.

14/0486/FULL - Erect two-storey reception/office/accounts building - Granted 02.09.2014.

15/0557/FULL- Erect 3 No. buildings for use as a general waste transfer station, a non-ferrous storage processing unit and a storage building for the W.E.E.E. processing unit - Granted 31.03.2016.

16/0992/COND - Discharge Condition 12 (parking) of planning consent 15/0557/FULL (Erect 3 No. buildings for use as a general waste transfer station, a non-ferrous storage processing unit and a storage building for the W.E.E.E. processing unit) - Decided 04.01.2017.

19/0348/FULL - Remove and replace the existing waste material shredder with a new waste material shredder - Granted - 15.08.2019.

19/0719/COND-Discharge conditions 04 (Contamination - scheme to treat) and 06 (Colour) of planning consent 19/0348/FULL (Remove and replace the existing waste material shredder with a new waste material shredder) - Decided -24.04.20.

20/0556/NCC - Vary condition 8 (Working Hours) of planning consent 15/0557/Full (Erect 3 No. buildings for use as a general waste transfer station, a non-ferrous storage processing unit and a storage building for the W.E.E.E. processing unit) & Vary condition 7 (Working Hours) of planning consent 19/0348/FULL (Remove and replace the existing waste material shredder with a new waste material shredder) to extend operating hours to 0700-1800 Monday to Friday - Application Returned.

20/0583/NCC - Vary condition 8 (working hours) of planning consent 15/0557/FULL (Erect 3 No. buildings for use as a general waste transfer station, a non-ferrous storage processing unit and a storage building for the W.E.E.E. processing unit) the operating hours are to be 0700-1800 hours Monday to Friday - Application Returned.

## POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

Site Allocation: The site lies within the settlement boundary and adjoining a Site of Importance for Nature Conservation (SINC) River Ebbw (NH3.12).

Policies: Policy SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), Policy CW5 (Protection of the Water Environment), CW6 (Trees, Woodland and Hedgerow Protection), Policy CW15 (General Locational Constraints), NH3 (Site of Importance for Nature Conservation), SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Planning Policy Wales 11th Edition, Technical Advice Note 5: Nature Conservation and Planning (2009), Technical Advice Notes 11: Noise, Technical Advice Note 12: Design (2016), Technical Advice Note 15: Development and Flood Risk (2004), Technical Advice Note 18: Transport (2007), Technical Advice Note 21: Waste (2017).

Planning Policy Wales (Edition 11).

Paragraph 5.13.4 - The Welsh Government's policy for waste management is contained in Towards Zero Waste and associated sector plans. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy as far as possible.

Paragraph 5.13.13 - There is likely to be a significant change in the nature and type of infrastructure needed to support a transition towards circularity of materials. Facilities will need to support high efficiency and high quality reuse and recycling, for example collection hubs will be necessary to support the returning of materials to the point of manufacture. The waste management industry will need to position itself to optimally manage material flows and on-going collaboration between it, planning authorities and other relevant stakeholders will be necessary.

Technical Advice Note 21: Waste.

Paragraph 2.7.3 - Where it is not possible to reuse materials and products or prepare them for reuse, recycling should be encouraged. Recycling can reduce the demand for resources and reduce atmospheric emissions. Recycling is considered to be any recovery operation in which waste materials are reprocessed into products, materials or substances whether for their original or other purposes.

## ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

## COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. The site is partially located in the high risk coal mining legacy area.

## CONSULTATION

Transportation Engineering Manager - CCBC - From the information submitted it would appear that the proposed development will not result in additional vehicle movement either into or out of the site and that staff numbers will remain the same so there is no requirement for additional parking spaces. From the submitted plan there appears to be sufficient internal space to allow for all vehicles to enter and leave the site in forward gear.

Therefore, in conclusion there are no highway objections to the proposed development subject to planning conditions on parking manoeuvring and provision of a Construction Traffic Management Plan.

Heritage And Placemaking Officer -

The Coal Authority - No objections.

Natural Resources Wales -

Ecologist - No comments.

Dwr Cymru/Welsh Water - Since the proposal intends utilising an alternative to mains drainage, we would advise that the applicant seek advice from Natural Resources Wales and or the Local Authority Building Control Department/Approved Building Inspector as both are responsible to regulate alternative methods of drainage.

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

Landscape Architect - CCBC - Recommends conditions to ensure that the materials used for building and boundary treatments are non-reflective and suitably dark coloured.

Transport For Wales - Confirms that rail infrastructure at this location remains within Network Rail Ownership.

Network Rail - Network Rail has no objection in principle to the above proposal. Provides asset protection advice for the applicant.

Environmental Health Manager - CCBC - No objection subject to the submission of an upgraded scheme of noise mitigation measures and the imposition of conditions in relation to hours of operation and noise.



Senior Arboricultural Officer (Trees) - Recommends further information supplied in respect of trees.

## ADVERTISEMENT

Extent of advertisement: The application was advertised via press notice, site notices and neighbour notification letters. At the time of writing this report the publicity period has yet to elapse so any further representations received will be verbally reported to planning committee.

Response: At the time of writing this report 28 objections have been received. A petition entitled "Cwmcam Residents Petition - Stop the GLJ expansion plan - No to the 'Heavy Fraction Processor)' with a total of 77 signatories has also been submitted.

44 letters of support have been provided by the applicant advising that they are signed by employees from GLJ Recycling (and the covering letter states that of the 44 letters 34 of the employees are from Caerphilly Borough).

### Summary of observations:

- Vibration.
- Dust/smut.
- Odour.
- Noise (including high frequency).
- Light pollution.
- Fumes/smoke (legionella, asbestos, poisonous and noxious gases).
- Explosions.
- Fire.
- Flies.
- Contamination of Water.
- Intensification of operation.
- Valley topography increases impacts.
- Increased close proximity to residential dwellings in Chapel Farm Terrace.
- Out of hours working.
- Increased working hours.
- Impact on children including proposed new primary school.
- Devaluation.
- Visual impact.
- Increase in heavy goods traffic.
- HGV's using sat navigation system and reversing up Chapel Farm Terrace.
- Use of northern access.
- Increase in plant and machinery on the site.
- Heavy Fraction plant machinery magnetic field.
- Bridge strength.
- Impact on wildlife.
- Impact on tourism.
- Works commencing on site.

- Relationship between the applicant company and Caerphilly Borough Council.
- Trees being cut down on public land.
- Unethical company and previous conduct resulting in fine.
- Concerns in relation to the noise assessment.
- Impact on footpath.
- Concerns over the Pre-Application Consultation process.
- Contrary to Well-being of future generations (Wales) act 2015 and Local Plan Policies on water and natural environment protection.
- Flood risk.
- Future tree felling.
- Alternative sites outside the county borough would be better.
- Lack of publicity.
- Off Site works.

Supportive comments received as summarised as:

- New equipment would improve site process which will enhance health and safety at the site.
- Enable more precise sorting of material.
- Reduction in waste sent for processing elsewhere.
- Increased productivity and enhanced job security.

#### 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? Not liable.

#### ANALYSIS

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

The site is within an existing scrap recycling operation and therefore the principle of the development is established. The development as applied for in this application would retain and provide plant and supporting buildings to support the functioning of the existing recycling business and is designed in part to lead to improved recycling rates.

National Planning Policy and Guidance in the form of Planning Policy Wales and supporting Technical Advice Note 21: Waste, sets out priorities in terms of the Waste Hierarchy. This Hierarchy firstly prioritises prevention and reuse of materials and preparation for reuse. After that in the Hierarchy is recycling which the GLJ business is involved within. The lower (and hence less desirable) aspects of the Hierarchy are other methods of recovery (e.g. anaerobic digestion and energy from waste) and finally the last aspect of the Hierarchy is disposal (Landfill and incineration without energy recovery). Planning Policy Wales in paragraph 5.13.4 advises that planning authorities should in principle be supportive of facilities which reflect the priority order of the waste hierarchy and therefore proposals such as this which contribute to recycling within the waste hierarchy are supported in principle as they divert waste from otherwise being disposed of via other less desirable methods such as landfill.

The application is partly retrospective in nature. There is an existing waste shredder plant on site however it was found that its siting conflicted with parts of the previous planning approval (19/0348/FULL). It is highlighted that the previous application was subject to a noise assessment that considered that equipment in its "as built" location. The current application in part therefore seeks retrospective planning permission for this equipment which has been in operation for several years on site. This includes a metal shredder machine that processes scrap metal and sorts this into ferrous and non-ferrous products.

In addition a pre-shredder plant has been recently installed on the site, but the Local Planning Authority has been advised by the agent that it has not been used and the applicant is awaiting the outcome of the planning application.

A second element of the planning application is for the installation and operation of additional plant and machinery along with revised boundary treatments. The additional plant and machinery is in the form of a 'Heavy Fraction Plant' which is proposed to be constructed towards the northern end of the site.

The purpose of the Heavy Fraction processing plant is to enable additional processing on site to remove further recyclable products from the waste stream including materials such as non-ferrous, Ferrous, Stainless steel, and also Insulated copper wire which would alternatively have gone to landfill disposal or be subject to further treatment elsewhere.

The applicant has stated that the main benefits of the new Heavy Fraction Processing plant are:

- Reduction of waste to landfill.
- Further removal of recyclable products from waste, increasing efficiency.
- Reducing transport, as processed on-site.
- Local Job creation.
- Increased recycling and company sustainability.

The main considerations for the proposed development are:

1. The impact on the visual amenity of the surrounding area.
2. The impact on nearby residential properties from the development.
3. Impact on ecology.

These issues will be discussed in turn below.

1. The impact on the visual amenity of the surrounding area;

The proposal includes the retention of the shredder and related equipment on site which at its maximum has a height of around 13.8m. It is a significantly large piece of equipment that appears prominent within the existing landscape. The previous application which came before planning committee noted that there is an established tree line along the eastern boundary with trees providing a degree of screening albeit more visible within the winter months when leaf cover is lessened. The revised location of the equipment is still adjacent to the same tree belt and on balance its visual impact in the revised location is still considered acceptable.

There will be additional fencing proposed along the eastern boundary and this ranges in height between 4m, 6m, 8m and for a limited length at 13m in height. The highest part will connect to existing screening of the same height and in the context of the overall eastern boundary length of the facility (estimated to be approximately 300m in length) the highest part of screening will be relatively short in length at approximately 22m. The visual impact is mitigated to a degree by intervening features such as the treeline on the upper banking near to the Ebbw river (with the river itself being set down from the site) and the nearest receptors to the highest part of the proposed screening are the industrial/commercial uses on the Chapel Farm Industrial Estate. Beyond the industrial estate is the A467 which has substantial and relatively extensive tree screening providing a further buffer to residential properties on Newport Road and surrounding streets within Cwmcarn. There would be a separation distance in excess of 150m from the highest part of the fencing to the nearest residential properties with a straight on view of the fencing. The other parts of the fencing are also significantly separated from the nearest residential properties to avoid any overbearing impact. The existing valley topography of the surrounding area is such that the site and proposed development is already visible from a number of locations however the screening and proposed equipment is not considered to have an unacceptable visual impact given the existing visual impact of the site. The scale of the proposed plant and buildings within the application are also considered acceptable. The development would accord with adopted Local Development Plan Policy SP6 (Placemaking).

2. The impact on nearby residential properties from the development;

The application is accompanied by a Noise Impact Assessment undertaken by a suitably qualified acoustic consultant. The site has been operating as an industrial use for a significant number of years. In addition, there are other existing

commercial/industrial uses to the east (Chapel Farm Industrial Estate). In respect of surrounding dwellings, these are generally clustered to the north of the site with the residents of Chapel Farm Terrace and to the east across the other side of the A467 residents of Brierley Place and Newport Road.

The submitted report identifies that properties on Newport Road and Brierley Place have their dominant noise source as road noise. In respect of properties at Chapel Farm Terrace the report considers that context is important and factors should be considered which include:

- The existing Soundscape be considered including that dwellings on Chapel Farm Terrace are located in very close proximity to a large, well established industrial estate where existing sound characteristics are present with noise levels at Chapel Farm Terrace measured in 2019 being in the range of 51-52db Laeq.
- Absolute levels inside dwellings are indicated to be in the BS8233 criteria range during daytime through a partially open window.
- The operational hours of the site being limited to daytime hours.
- The mitigation measures including the heavy fraction plant being within a building and screening of other plant where feasible by barriers or structures on the critical boundaries.

The shredder plant along with the proposed new pre-shredder and heavy fraction plant have been included in the noise assessment and the Council's Environmental Health Officers have reviewed the proposals and consider them to be acceptable subject to planning conditions. It is noted that the majority of the Heavy Fraction Plant will be located within a new building and the noise assessment provides detailed guidance on the small part of plant which is proposed to be external to the building. As part of the proposed planning conditions a noise level condition is proposed to be added to the permission and validation (by a competent noise specialist) of the Heavy Fraction plant building design is required to be submitted to the Local Planning Authority to provide oversight that construction noise mitigation measures will have been incorporated into the build.

It is considered that the impact of the development on all surrounding residential properties will be acceptable. The development accords with adopted Local Development Plan Policy CW2 (Amenity).

### 3. Impact on ecology;

The Council's Ecologist has been consulted on the proposal and has raised no concerns in respect of the proposed development. The adjacent land to the east is formed of the River Ebbw and is a designated Site of Importance for Nature Conservation (SINC).

The extant planning permission for the shredder required a boundary to be maintained along the eastern side with the SINC for its protection and it is proposed that this requirement is re-imposed on the current application noting that works to increase boundary treatments are also proposed in this application.

The operations on site are also subject to separate control under Natural Resources Wales permitting regulations which restricts how the site can operate and restricts emissions to water, air or land. The planning conditions recommended by Natural Resources Wales will be imposed if permission is granted.

The development would accord with Policies CW4 (Natural Heritage Protection) and Policy CW5 (Protection of the Water Environment) of the Local Development Plan.

#### Comments from Consultees:

The Council's Tree Officer requested further details in respect of trees, the agent advised that the trees are offset from the footprint of the proposed building and located at a lower level and noted the existing relationship of the site with the trees.

Requested conditions from Natural Resources Wales include Biodiversity Management to require details of tree and hedgerow protection and this is considered sufficient to agree suitable protection for offsite trees. This also accords with the recommendation from the Landscape Officer on tree protection.

#### Comments from public:

##### - Vibration.

Details of any further piling work will be required to be submitted under planning condition and once operational the development is within the existing Natural Resources Wales permit area for the site which includes mechanisms to address any unacceptable vibrations, which may include (where deemed necessary by NRW) an agreed management plan.

##### - Dust/smut.

##### - Odour.

These are matters controlled by Natural Resources Wales under the site permit.

##### - Noise (including high frequency).

Noise limits are imposed via planning condition and separate powers reside with Natural Resources Wales under the site permit.

##### - Light pollution.

A planning condition requiring detail of lighting is proposed.

##### - Fumes/smoke (legionella, asbestos, poisonous and noxious gases).

It is not anticipated that different materials than already accepted at the site will result from the proposed development. Natural Resources Wales permit the site and emissions are restricted and regulated.

- Explosions.

The risk of explosions is not considered to be worsen by the development. It has been indicated that the Pre-shredder which is sought for approval within this application may reduce such risk by providing an initial stage which would accept materials at a slower speed than the main shredder and therefore reduce risk of explosions.

- Fire.

The fire authority have been consulted and have raised no objections to the application.

- Flies.

This would be a matter for Environmental Health or Natural Resources Wales.

- Contamination of Water.

The imposition of planning conditions and separate permitting by Natural Resources Wales are considered to adequately address this risk.

- Intensification of operation.

The proposals do not seek to increase waste accepted to the site, rather they seek to provide additional measures to sort the existing materials.

- Valley topography increases impacts.

The application has been considered with regard had to the site and surrounding area including the topography.

- Increased close proximity to residential dwellings in Chapel Farm Terrace.

The impacts have been considered and subject to planning conditions to restrict noise levels and hours of operations are considered to have an acceptable impact on residents.

- Out of hours working.

- Increased working hours.

Hours of operation are proposed via a planning condition and can be investigated under Planning Enforcement powers if not subsequently adhered to by the operator.

- Impact on children including proposed new primary school.

The new Welsh School site is located beyond existing residential properties (including Chapel Farm Terrace) there are not considered to be any unacceptable impacts on the school site.

- Devaluation.

Property Devaluation is not a material planning consideration.

- Visual impact.

The proposed screening and mitigation is considered acceptable.

- Increase in heavy goods traffic.

- HGV's using sat navigation system and reversing up Chapel Farm Terrace.

- Use of northern access.

There is not anticipated to be a material change in terms of additional traffic versus the current site traffic as the new equipment is principally to refine the existing recycling operation. There are no proposals for utilising access from the north and satellite navigation issues in respect of Chapel Farm Terrace appear to be an existing problem and would not be materially altered by the current proposals and would be a matter for the operator to address.

- Increase in plant and machinery on the site.

This has been assessed and is not considered to be overdevelopment or visually unacceptable.

- Heavy Fraction plant machinery magnetic field.

There is not anticipated to be any adverse impacts for residents noting this equipment is housed within a proposed building and would be focussed/calibrated to operate on the recycling line.

- Bridge strength.

The proposals would not materially alter traffic levels over the southern bridge to the site entrance.

- Impact on wildlife.

There is not anticipated to be a material impact on wildlife through the development and the site is subject to permit restrictions from Natural Resources Wales.

- Impact on tourism.

There is not expected to be a material impact on tourism from the development.

- Works commencing on site.

The application is part-retrospective with permission sought for those elements already on site.

- Relationship between the applicant company and Caerphilly Borough Council.

This is not material to the planning considerations of the application.

- Trees being cut down on public land.

Where found to be the case this would be a separate matter for investigation.

- Unethical company and previous conduct resulting in fine

This is not a material planning consideration in the determination of this application.



- Concerns in relation to the noise assessment.

The Environmental Health Manager has considered the noise assessment and where clarification has been sought this has been provided by the applicant. The Environmental Health Officer has raised no objections to the development subject to planning conditions being imposed to require noise levels to be adhered to and validation of acoustic mitigation of the new building to house the Heavy Fraction Plant.

- Impact on footpath.

No public footpaths are directly impacted by the development and the visual impact of the development is considered acceptable.

- Concerns over the Pre-Application Consultation process.

The applicant clarified matters in respect of the Pre-Application Consultation originally carried out. The application in its revised form which contains retrospective planning permission for elements of the proposal and as such is not considered to trigger the need for Pre-application consultation.

- Contrary to Well-being of future generations (Wales) act 2015 and Local Plan Policies on water and natural environment protection.

The development has been considered against the Well-being of future generations act 2015 and is not considered to be contrary to it as suitable measures are proposed to mitigate the impacts on nearby residents and it will assist in meeting key indicators such as increasing the recycling rate within Wales. It is also considered to accord with Local Development Plan Policies in respect of nature conservation and water environment.

- Flood risk.

Natural Resources Wales have raised no objections in respect of flood risk.

- Future tree felling.

No tree felling is proposed within the application.

- Alternative sites outside the county borough would be better.

This is the view of the author and is not a matter which can be considered in the determination of this application.

- Lack of publicity.

The application has been publicised in accordance with the legislative requirements.

- Off Site works.

This is not material to the consideration of the application.

Supportive comments received as summarised as:

- New equipment would improve site process which will enhance health and safety at the site.

- Enable more precise sorting of material.

- Reduction in waste sent for processing elsewhere.
- Increased productivity and enhanced job security.

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 development is considered acceptable subject to planning conditions to address matters raised by consultees and provide suitable mitigation for the development. It is recommended for approval accordingly.

**RECOMMENDATION that Permission be GRANTED**

This permission is subject to the following condition(s)

- 01) The development shall be carried out in accordance with the following approved plans and documents:
  - Site Location Plan, drawing reference HD4084-SP01 revision D;
  - Proposed Site Layout, drawing reference HD4084-SK101 revision H;
  - Proposed Front and Rear Elevations, drawing reference HD4084-SK102 revision B;
  - Proposed Side Elevations and Sections, drawing reference HD4084-SK103 revision A;
  - Proposed Floor Plan, drawing reference HD4084-SK104 revision E;
  - Proposed Front, Rear and Side Elevations (pre-shredder), drawing reference HD4084-SK104 revision E;
  - Proposed Site Layout - Vehicle Movement, drawing reference HD4084-SK1056;
  - Sound Enclosure Layout drawing reference 6.429238.E REV 00;
  - Foundation Layout - Overview, drawing reference DPC12N-GB31-C0300-BD001 rev 00;
  - Foundation Layout - Shredder Area, drawing reference DPC12N-GB31-C0300-BD002 rev 00;

Foundation Layout - Upstream Area, drawing reference DPC12N-GB31-C0300-BD003 rev 00;

Foundation Layout - Downstream Area, drawing reference DPC12N-GB31-C0300-BD004 rev 00;

Foundation Layout - Underground cable ways, drawing reference DPC12N-GB31-C0300-BD006 rev 00;

Powerhouse Layout, drawing reference DPC12N-GB31-C0400-BD001 rev 00;

Shredder and Downstream Plant Layout, DPC12N-GB31-Z0100-BD004 rev 00;

Terra Firma Phase 1 Desk Study Report (job no.15390);

Hunter Acoustics Ltd Report - New Sorting Plant at GLJ Recycling Cwmcarn Newport Independent Acoustic Consultancy Practice 6377/NIA1\_Rev3 dated 26.09.2022.

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

- 02) Prior to the installation of new lighting a lighting scheme shall be first submitted to and agreed, in writing, with the Local Planning Authority. That scheme shall indicate the type and positioning of luminaires, hours of illuminance 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 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 03) The existing boundary fence located between GLJ Recycling Ltd and the River Ebbw Site of Important For Nature Conservation as defined in the adopted Caerphilly County Borough Local Development Plan up to 2021 shall be retained and maintained in order to protect the habitats within the adjacent Site Important For Nature Conservation.

REASON: To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.

- 04) Prior to the commencement of any works associated with the installation of the heavy fraction processing plant, new site enclosure and pre shredder plan, a Construction Traffic Management Plan shall be submitted to and approved in writing with the Local Planning Authority. This document should set out details of expected daily vehicle movements, type of vehicles, duration of construction phase, times of operations (avoiding peak periods), wheel washing facilities, use of banksmen as necessary, temporary parking and manoeuvring areas.

REASON: In the interests of the residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 05) No development in areas of the application site known to be or suspected of contamination (as detailed in the Terra Firm Phase 1 Desk study report), 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 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 order to ensure compliance with Paragraphs 6.9.16-6.9.21 of Planning Policy Wales.
- 06) Prior to the heavy fraction plant being brought into beneficial use 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 ensure risks to both future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems. Also to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours, and other offsite receptors in order to ensure compliance with Paragraphs 6.9.16-6.9.21 of Planning Policy Wales.

- 07) Prior to the heavy fraction plant being brought into beneficial use a long-term land contamination monitoring plan shall be submitted to and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:
- Details of the methods and triggers for action to be undertaken;
  - Timescales for the long-term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required;
  - Timescales for submission of monitoring reports to the LPA e.g. annually;
  - Details of any necessary contingency and remedial actions and timescales for actions;
  - Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

REASON: A land contamination long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts because of development on water quality in order to ensure compliance with Policy CW5 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

- 08) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.
- REASON: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks in order to ensure compliance with Paragraphs 6.9.16-6.9.21 of Planning Policy Wales.

- 09) No development or phase of development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

REASON: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development in order to ensure compliance with Policy CW5 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

- 10) No proposed development including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:
- Construction methods: details of materials, how waste generated will be managed;
  - 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;
  - Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance, and mitigation measures;
  - Soil Management: details of topsoil strip, storage, and amelioration for re-use;
  - CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures;
  - Control of Nuisances: details of restrictions to be applied during construction including timing, duration, and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill;
  - 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;
  - Traffic Management: details of site deliveries, plant on site, wheel wash facilities;
  - 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;
  - Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- The CEMP shall be implemented as approved during the site preparation and construction phases of the development.
- REASON: To ensure necessary management measures are agreed and implemented for the protection of the environment during construction in the interests of nature conservation in accordance with policies CW4, CW5 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) Within 3 months of the date of this permission 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 with particular regard to wildlife using the River Ebbw corridor in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 12) Notwithstanding the submitted plans sheet screen fencing, cladding, doors as well as facias and rainwater gutters shall be finished in a matt (non-reflective) dark grey colour (RAL 7016).

REASON: In the interests of the visual amenity of the area in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 13) The use of the shredder, pre-shredder and heavy fraction plant hereby permitted shall not operate outside of the following hours:

0800-1800 hours Monday to Friday;

0900-1300 hours Saturday;

and there shall be no operating of the machinery on Sundays or Bank Holidays.

REASON: In the interests of the residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) The level of noise emitted from plant permitted by this permission shall not exceed a level of 52dB measured as an L(A)eq,1 hour at the nearest residential receptor.

REASON: In the interests of the residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 15) Prior to the Heavy Fraction plant being brought into operation, a sound insulation verification report shall be submitted to the Local Planning Authority and approved in writing to ensure the building envelope meets the recommended sound reduction criteria stipulated within the submitted noise report. The scheme must be independently verified by a competent third party acoustic consultant, to include the collection and analysis of real-time sound data to certify that the scheme is structurally adequate and fit for its intended purpose.

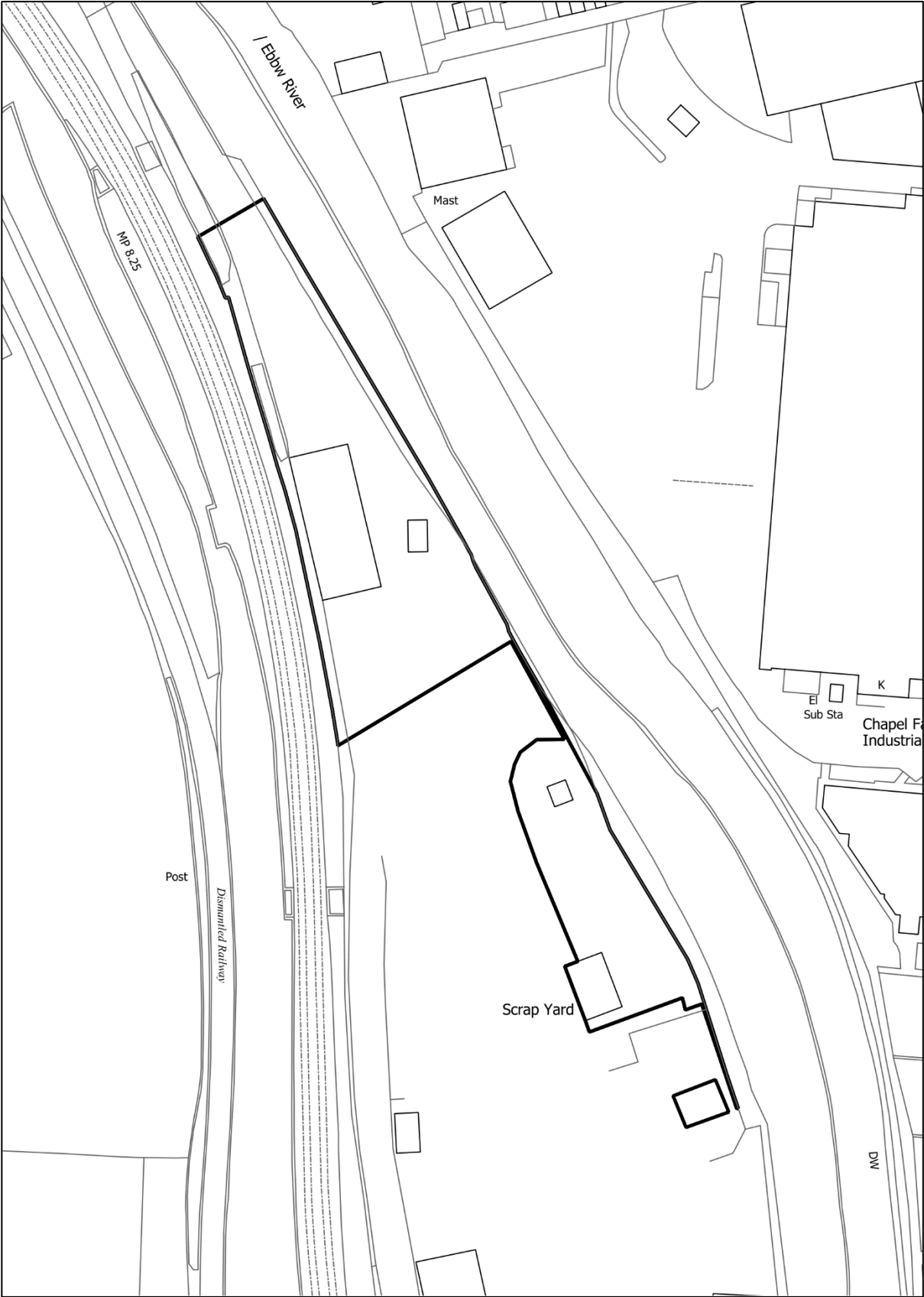
REASON: In the interests of the residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

#### Advisory Note(s)

Please find attached the comments of Network Rail, The Coal Authority, Natural Resources Wales that are brought to the applicant's attention.

Mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.





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**Application Number:** 22/0175/NCC.

**Date Received:** 22.02.2022.

**Applicant:** Bryn Aggregates Ltd.

**Description and Location of Development:** Vary condition 02 of planning consent 19/0276/NCC (Vary Condition 6 (Hours of operation) of planning consent 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to extend the hours of operation for utility providers) to extend the period of extraction and restoration works at the site for a further two years (in each case) so that extraction of minerals shall now cease by 31 December 2024 and restoration shall be completed by 31 December 2032 - Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY.

**APPLICATION TYPE:** Development without complying with conds.

## SITE AND DEVELOPMENT

Location: Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed, CF82 8FY.

Site description: The application site has an area of approximately 12.7 hectares encompassing the existing Bryn Quarry. Bryn Quarry is situated at Gelliargwellt Uchaf Farm, which also incorporates a dairy farm, waste recovery and recycling facility, and an anaerobic digestion facility occupying an area of land which lies between Gelligaer, Nelson and Trelewis. In this respect Gelligaer lies to the north, Penybryn to the East, Trelewis to the west and Nelson to the south-west.

Development: Vary condition 02 of planning consent 19/0276/NCC (Vary Condition 6 (Hours of operation) of planning consent 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to extend the hours of operation for utility providers) to extend the period of extraction and restoration works at the site for a further two years (in each case) so that extraction of minerals shall now cease by 31 December 2024 and restoration shall be completed by 31 December 2032.

## PLANNING HISTORY 2010 TO PRESENT

11/0224/FULL - Erect building and tanks to incorporate anaerobic digestion facility with associated plant, engineering and landscaping works - Refused 08.12.2011.

11/0226/FULL - Provide permanent operation of materials recycling facility and erection of new building - Refused 08.12.2011.

12/570/FULL - Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works - Granted 13.08.2013.

14/0226/FULL - Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) - Granted 14.07.2014.

14/0422/NCC - Vary condition 6 of planning permission P/04/1912 to extend the hours of operation on Saturdays until 16:00 and on Bank Holidays from 07.30 to 13.00 - Granted 12.02.2015.

15/0488/RET - Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility - Granted 10.12.2015.

16/0069/COND - Discharge Condition 12 (external lighting), Condition 13 (wheel and road washing), Condition 14 (surface water drainage), Condition 15 (slurry pipeline), Condition 16 (landscaping), Condition 18 (construction method statement) and Condition 20 (odour management) of planning permission 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) - Decided 25.04.2016.

18/0085/NCC - Vary condition 8 of planning consent 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) to enable the continuation of restricted Saturday and Bank Holiday hours (which have been operated under for the past three years) - Granted 19.04.2018.

18/0087/NCC - Remove condition 12 of planning consent 14/0422/NCC (Vary condition 6 of planning permission P/04/1912 to extend the hours of operation on Saturdays until 16:00 and on Bank Holidays from 07.30 to 13.00) to enable the continuation of restricted Saturday and Bank Holiday hours - Granted 19.04.2018.

18/0843/NCC - Vary condition 08 of planning consent 18/0085/NCC (Vary condition 8 of planning consent 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion

reception building and an in vessel composting facility) to enable the continuation of restricted Saturday and Bank Holiday hours (which have been operated under for the past three years) to enable collections to take place on Sundays - Granted 06.12.2018.

19/0275/NCC - Vary Condition 08 (Hours of operation) of planning consent 14/0226/FULL (Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) to extend the hours of operation for utility providers - Refused 12.09.2019 and allowed at appeal.

20/0171/COND - Discharge conditions 6 (Resurfacing of access road) and 7 (Site Management Plan) of planning consent 19/0275/NCC granted on appeal reference number APP/K6920/A/19/3240193 (Vary Condition 08 (Hours of operation) of planning consent 14/0226/FULL (Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) to extend the hours of operation for utility providers) - Decided 09.04.2020.

20/0293/FULL - Carry out engineering works to provide a lagoon and associated works and infrastructure - Granted 08.07.2020.

20/0702/FULL - Enable the retention of, and proposed extension to, quarry operations including new drainage systems and settlement ponds, landscape bunds and associated works and a site restoration scheme - Refused 15.11.2021 - appeal pending.

21/0476/NCC - Vary condition 3 and remove condition 12 of planning consent 18/0087/NCC (Remove condition 12 of planning consent 14/0422/NCC (Vary condition 6 of planning permission P/04/1912 to extend the hours of operation on Saturdays until 16:00 and on Bank Holidays from 07.30 to 13.00) to enable the continuation of restricted Saturday and Bank Holiday hours) to enable the continuation of hours of operation - Pending Consideration.

22/0116/NOTA - Excavate and form surface water lagoon to serve agricultural operations - Pending Consideration.

22/0117/FULL - Excavate and form surface water lagoon to serve agricultural operations - Pending Consideration.

## POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site is within the Mynydd Eglwysilan Special Landscape Area and a sandstone safeguarding area.

Policies: CW3 (Highways), CW2 (Amenity), CW4 (Natural Heritage Protection), CW5 (Protection of the Water Environment), CW6 (Trees, Woodland and Hedgerow)

Protection), CW15 Locational Constraints, CW22 Mineral Safeguarding, CW23 Locational Constraints - Mineral Site Buffer Zones, NH1.3 (Special Landscape Areas), MN1 (Mineral Site Buffer Zones), SP8 (Mineral Safeguarding).

NATIONAL POLICY Planning Policy Wales, Mineral Planning Policy Wales, MTAN1: Aggregates, Regional Technical Statement for Aggregates.

#### Planning Policy Wales

5.14.23 Aggregates suitable for road surfacing construction and maintenance, where high specification aggregates are required for skid resistance, are of importance to the UK and significant resources occur in Wales. The UK and regional need for such minerals should be accorded significant weight provided environmental impacts can be limited to acceptable levels. The fundamental characteristics of these materials, which distinguish them from more general-purpose aggregates, are their ability to meet the stringent specifications required for road construction and repair and wherever possible high specification aggregates should be used for these purposes. Planning authorities should identify potential high specification aggregate resources and consider whether there is a need to protect these resources and potential rail connections to the resources from sterilisation.

5.14.47 Extensions to existing mineral working, whether they be time, lateral or depth extensions should be considered in the same manner as applications for new sites. Each application will need to consider the impact on the site as a whole and the wider surroundings and will need to be considered on its own merits.

5.14.48 The presence of an existing quarry should be a material consideration when considering a proposal for an extension. There may be benefits to extending a site in terms of shared infrastructure, for instance, as opposed to working a new greenfield site.

#### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

#### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, the application site falls partly within the defined Development High Risk Area.

#### CONSULTATION

Landscape Architect - CCBC - From a Landscape and Visual perspective, views afforded from the surrounding area to the development are anticipated to be largely unchanged and providing that landscape mitigation measures, follow the consented plans, that the extended period of quarrying would continue to be adequately assimilated into the landscape. Therefore, the effect of the additional two years would have minimal in terms of Landscape and Visual aspects and would not be considered significant.

Rights Of Way Officer -

CADW -

Natural Resources Wales - No objection.

Transportation Engineering Manager - CCBC - There is no objection to the extension of time for two years.

Environmental Health Manager - CCBC - Environmental Health have no objections to the application to extend the quarrying and restoration periods by 2 years, as long as our previous conditions still apply.

Senior Engineer (Drainage) -

The Coal Authority - No objection.

Chief Fire Officer - South Wales Fire and Rescue Service have looked at the above application and currently have no comment to make.

Ecologist -

Merthyr Tydfil County Borough Council - No objections.

Dwr Cymru/Welsh Water - We have no objection to the variation of the above conditions.

Welsh Government - Planning Directorate -

Glamorgan-Gwent Archaeological Trust - No comments.

## ADVERTISEMENT

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

Response: 5 objections have been received.

### Summary of observations:

- Noise, dust smell distress and damage.
- Heavy traffic.
- Adverse Impact on nature and wildlife.
- Impact on local residents including children and elderly people.
- Encroachment towards homes.
- Impact on environmental and historic designations.

### 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? Yes.

Based on current evidence, the extension of the time period for excavation and restoration is unlikely to present a significant issue in this respect, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

### 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.

This application has been submitted to allow the continuation of the extraction of minerals at Bryn Quarry for an additional period of two years (sought to be extended until 31 December 2024). It would also extend the restoration period for the quarry by two years as well (until 31 December 2032). The applicant has stated within the submitted documentation that extraction at the quarry has not taken place at the anticipated rates due to the Covid-19 pandemic causing issues and delays with the operations at the site and as such there are remaining reserves at the quarry within the approved area for extraction. It should be noted that this application relates only to the extension of time and does not alter or extend the approved extraction area. It seeks to



vary condition 2 of planning permission 19/0276/NCC which itself sought to vary a condition on an earlier permission 12/0570/FULL. Members may be aware that application 19/0276/NCC was refused by Planning Committee on grounds of impact upon residential amenity but this decision was subsequently subject to a planning appeal (appeal decision reference APP/K6920/a/19/3240204, dated 18.02.2020) which was considered by an independent Planning Inspectorate who upheld the appeal and granted planning permission.

Since that time Welsh Government has published 'Future Wales - the National Plan 2040' which is the national development framework for Wales, a statutory development plan which sets the direction for development in Wales to 2040. It contains a National Mineral Resources Map (pg26) which identifies bedrock resources including "Sandstone with potential for high specification aggregate". Future Wales also recognises "the value of mineral and material resources and the industry this supports is important at the local, regional and UK levels" (pg. 37).

It is noted that Planning Policy Wales advises in paragraph 5.14.47 that extensions to existing mineral working, including in relation to time, should be considered in the same manner as applications for new sites. Each application will need to consider the impact on the site as a whole and the wider surroundings and will need to be considered on its own merits. Planning Policy Wales further advises in paragraph 5.14.48 that "The presence of an existing quarry should be a material consideration when considering a proposal for an extension. There may be benefits to extending a site in terms of shared infrastructure, for instance, as opposed to working a new greenfield site."

Bryn Quarry produces High Specification Aggregate for use in road surfacing and the application relates to extending the time of extraction rather than permitting more quarrying than was originally approved under earlier permissions. It is therefore considered that the need for the aggregate remains and can be justified by its high specification in accordance with paragraph 49 of MTAN1.

With regard the adopted Local Development Plan Bryn Quarry is protected under Policy MN1.2 Bryn Quarry with a Mineral Buffer Zone. This Policy works in tandem with Policy CW23 (Locational Constraints - Mineral Site Buffer Zones) and in this respect the extension of time will not impact on the conformity with either policy MN1.2 or Policy CW23. The quarrying activity would remain a distance which is in excess of the 200m separation distance as recommended in MTAN1.

The existing site has been subject to quarrying for a number of years and therefore the landform has already been significantly altered by the quarrying carried out to date. As such it is considered that the general impacts of quarrying on the application site and wider area (such as visual impact and ecology) have already been substantially undertaken by the quarrying activity already carried out; and at the time of this application there is a need for restoration of the existing parts of the quarry from where the mineral resource has already been exploited. Notwithstanding this fact the proposal is considered to have an acceptable impact on the Special Landscape Area as it

includes restoration proposals to safeguard the Special Landscape Area in the long term. The site is within the Mynydd Eglwysilan Special Landscape Area designated under Policy NH1.3 and the Landscape Officer has raised no objections to the proposed extension of time in terms of quarrying activities and subsequent restoration.

The current proposal to extend the time period for both the quarrying for an additional 2 years together with the site restoration has to be balanced against the impact on residents of these activities being prolonged.

The activities at the quarry include periodic blasting to facilitate the extraction of the mineral resource and then associated extraction and related activities. The existing permission is presently controlled by planning conditions which include restrictions on hours of quarrying and blasting, restriction on daily volume of stone to be exported from the site and material to be imported for fill. There are limits on blasting in terms of Peak Particle Velocity (PPV) which measures ground vibration and these are more stringent than the levels recommended in MTAN1. There are also restrictions on site noise. It is proposed that these conditions would be re-imposed on this application if approved. The proposed period of an additional two years for quarrying and then an additional two years for site restoration over and above the existing permission is considered to have a limited impact when considering the existing consented situation. The development, therefore, accords with Policy CW2 (Amenity) in having an acceptable impact on surrounding residents.

The impact on the highway network has been considered, the restrictions in place on the existing consent will be re-imposed on this application and will not result in an increase in existing traffic over the operational and restoration periods originally anticipated it would result in having broadly the same traffic generation albeit over a longer period. The development accords with Policy CW3 (Highways) in having an acceptable impact on surrounding residents.

There will be no unacceptable impacts on Listed Buildings or other heritage assets in the area from the approval of the proposed extension of time.

The impact on ecology and sensitive wildlife sites is not considered to be materially impacted; as the proposed change relates to the time period only, rather than a change in operation of the site and as such the development accords with Policy CW4 (Protection of Natural Heritage).

Comments from Consultees: None.

Comments from public:

- Noise, dust smell distress and damage.
- Impact on local residents including children and elderly people.

The proposed planning conditions will address matters arising from site activities along with matters covered by environmental permits.

- Heavy traffic.

The proposals will not increase traffic levels but rather maintain existing traffic levels for a longer period. The Highway Authority have offered no objection to the proposal.

- Adverse Impact on nature and wildlife.

- Impact on environmental and historic designations.

The impacts would be the same as the originally consented scheme and the increase in timescale would not be significant in terms of the overall impacts of the proposal.

- Encroachment towards homes.

The application under consideration does not represent an extension of working area towards existing homes only relating to an extension to the time periods for quarrying and subsequent restoration.

#### 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 extension of time for quarrying and subsequent restoration of the site is considered acceptable and the application is recommended for approval accordingly.

**RECOMMENDATION that Permission be GRANTED**

This permission is subject to the following condition(s)

- 01) Extraction of minerals shall cease by 31 December 2024 and restoration shall be completed by 31 December 2032.  
REASON: The permission relates to temporary development and to ensure that the site is restored in a timely manner.

- 02) The maximum volume of stone exported from the site shall not exceed 400 tonnes a day. Records of the volume of stone exported from the site shall be kept by the quarry operator and shall be made available to the Local Planning Authority on request.  
REASON: In the interests of highway safety and general amenity in accordance with Policy CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 03) The maximum volume of waste material for fill imported to the site shall not exceed 200 tonnes a day. Records of the volume of fill imported to the site shall be kept by the quarry operator and shall be made available to the Local Planning Authority upon request.  
REASON: In the interests of highway safety and general amenity in accordance with Policy CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Nothing other than clean, dry, non putrescible waste material shall be deposited at the site.  
REASON: To ensure the effective restoration of the site to the proposed aftercare in accordance with Policy CW2, CW4 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Except in emergencies to maintain safe quarry working the winning and working and processing of stone, loading of materials within the quarry, and the tipping of inert waste shall not be carried out at the site except between the following times:  
a) 07.00 to 19.00 hours Monday to Friday and 07.00 to 13.00 hours Saturdays.  
b) No operations other than environmental monitoring and water pumping shall take place at the site on Sundays or Bank or Public Holidays.  
c) No blasting shall take place except between the hours of 10.00 and 16.00 hours Monday to Friday.  
REASON: To protect the amenity interests of local residents in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) The site may be open solely for the receipt of waste from utility providers and their contractors outside the stated hours for a maximum of 60 occurrences per yearly quarter (3-month calendar period), including those occurrences permitted by Caerphilly County Borough Council planning permission 19/0275/NCC.  
REASON: To minimise the impacts on residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Records of vehicles entering the site outside the stated hours shall be kept and shall be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the date and hours of operation that

have occurred outside of the stated hours. An annual summary should be provided no later than 31 January in the following year.

REASON: To minimize the impacts on residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 08) The access shall be completed in accordance with the details approved under application reference 20/0172/COND and retained as such for as long as the development remains in existence.

REASON: To minimise the impacts on residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 09) The development shall be operated in accordance with the Site Management Plan relating to the management of the 'out of hours receipt of waste from utility providers and their contractors' details submitted and approved under application reference 20/0172/COND.

REASON: To minimise the impacts on residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 10) No vehicle shall enter the public highway unless its wheels and chassis have been cleaned to prevent material being deposited on the highway.

REASON: In the interests of highway safety and to prevent mud being deposited on the highway in accordance with Policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 11) A maximum of three vehicles laden with minerals extracted under this permission shall leave the site and enter onto the B4254 during each of the following time periods during school term time:-

08.10 - 09.10 hours, 11.55 - 12.55 hours, and 15.15 - 16.00 hours.

REASON: In the interests of highway safety and general amenity in accordance with Policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 12) Blasting shall be designed so that the ground vibration measured as peak particle velocity (PPV) in any one of three orthogonal planes shall not exceed 4mm per second in 95% of all blasts carried out over any six month period and no individual blast shall exceed a PPV of 8mm per second as measured at any sensitive receptor.

REASON: To safeguard amenity interests in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 13) No blasting shall take place except in accordance with a scheme specifying monitoring locations, the monitoring equipment to be used and the presentation of results which shall be submitted to and approved by the Local Planning

Authority before the development commences. The results of such monitoring shall be held at the quarry and be made available for inspection by the Local Planning Authority at reasonable times with copies being supplied to the Local Planning Authority upon request.

REASON: To enable the effects of the development to be effectively monitored for the duration of the development in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) Between the hours of 07.00 and 19.00 the noise levels arising from the development shall not exceed the proposed environmental noise limits (background noise level plus 10dB (A)) stated for any of the noise sensitive properties identified in the Environmental Noise Impact Assessment report 2612/T2 dated 5 July 2012.  
REASON: To protect the amenity interests of local residents in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) Site clearance operations that involve the destruction and removal of vegetation, including felling clearing or removal of trees and shrubs or hedgerows shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Local Planning Authority prior to their removal/felling/clearing to ensure that breeding birds are not adversely affected.  
REASON: To ensure that breeding birds are protected. All British birds, 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 in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) The site shall be restored in accordance with the details set out in application 12/0570/FULL (except in respect of the revised landscaping bund approved under permission 17/0971/NCC which shall be completed in accordance with that permission) within 12 months of the completion of tipping operations to final contours or their earlier permanent cessation.  
REASON: To ensure the satisfactory restoration of the site in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Within three months of the completion of operations or their earlier permanent cessation, an aftercare scheme detailing such steps as may be required to bring the land to a condition suitable for the proposed agricultural after use shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of
  - a. tree planting,
  - b. cultivation, seeding and management of grassland in accordance with the rules of good husbandry,
  - c. fertiliser and lime application based on soil analysis,

- d. grazing management,
- e. field water supplies,
- f. ditch, water course and piped ditch systems to control surface run-off and prevent erosion,
- g. provision for an annual formal review to consider the operations that have taken place during the preceding 12 months and the programme of management for the next 12 months. The parties to this review shall include the mineral operator, the site owner, the Local Planning Authority and the Welsh Government Agriculture Department,
- h. at least four weeks before the date of each review the operator shall provide the Local Planning Authority with a record of the management and operations covered by the review.

REASON: To ensure satisfactory aftercare takes place in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 18) Aftercare shall be carried out in accordance with the scheme approved under Condition 17 above for a minimum period of five years.  
REASON: To provide for satisfactory aftercare in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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**Application Number:** 20/0316/COU.

**Date Received:** 13.05.2020.

**Applicant:** William Hare Group Limited.

**Description and Location of Development:** Change the use from B8 (Storage or Distribution) to B2 (General Industrial), external alterations (including replacement roller shutter doors) to enhance the acoustic performance of the building, confirmation of operational hours and ancillary works - Braithwaite Engineers Ltd Rowecord Building Commercial Street Newport Road Pontymister.

**APPLICATION TYPE:** Change of Use.

## SITE AND DEVELOPMENT

Location: The application site is located on the southern side of the B4591, Commercial Street, Newport Road, Pontymister.

Site description: A large steel frame structured building with a mono-pitched roof and metal profile external finishes erected in the 1960's as a warehouse for the storage and dispatch of steel sections and sheets. Large parking and circulation areas are located to the front of the building with storage areas to the rear adjacent to the Ebbw River.

The application site extends to 3.17ha and is bounded to the north by Newport Road, to the east by existing residential properties fronting onto Fields Road, to the south-west by the River Ebbw and Aldi food store beyond, to the north-west by the B4591 Pontymister link road and a vacant brownfield site (the former Birds Foundry) beyond. The Old Pontymister Bridge, a listed building, is located just beyond the southern extremity of the site off Fields Road. The vehicular access to and from the site is directly off Newport Road which provides access to the A467.

Development: Full planning permission is sought to change the use from B8 (Storage or Distribution) to B2 (General Industrial), external alterations (including replacement roller shutter doors) to enhance the acoustic performance of the building, confirmation of operational hours and ancillary works.

Dimensions: The internal footprint of the building will remain unchanged however the external footprint will change once the application of external cladding and sound insulation measures is applied to the existing elevations.

The Rw 54dB system consists of 100mm Rockspan Extra panel, 120mm cavity filled with 33kg/m<sup>3</sup> infill stonewool and 12.5mm Gyproc Soundbloc plasterboard. The Rw 47dB system consists of 2x no. 0.7mm profiled sheets with 240mm mineral wool infill in a 240mm void.

Materials: The external cladding comprises of Euroclad Profile in an Oyster Grey (RAL 7035) finish similar to the existing colour of the building.

Ancillary development, e.g. parking: The erection of car park barrier fencing and the insertion of new acoustic roller shutter doors to provide a lobby system on the southern elevation of the building.

## PLANNING HISTORY 2010 TO PRESENT

14/0635/COU - Change the use from B1/B2 industrial to B8 storage of motor vehicles associated with adjacent commercial premises, and erection of five-car garage, store and all associated works - Granted - 23.03.2015.

15/0087/COU - Change the use to industrial coating/painting of steel with associated assembly and storage (Use Class B2) - Withdrawn - 09.06.2015.

19/0485/CLPU - Obtain a Lawful Development Certificate for proposed extension to industrial unit - Granted - 02.08.2019.

## POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The application site is within the defined settlement boundary of Risca.

Policies: SP3 (Development Strategy in the Southern Connections Corridor (SCC)), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Placemaking), SP17 (Promoting Commercial Development), SP20 (Road Hierarchy), SP21 (Parking Standards), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design Considerations - Highways), CW15 (General Locational Constraints).

NATIONAL POLICY Future Wales: The National Plan (February 2021), Planning Policy Wales Edition 11 (February 2021), Technical Advice Note 11: Noise (October 1997), Technical Advice Note 12: Design (March 2016), Technical Advice Note 15: Development and Flood Risk (July 2004), Technical Advice Note 18: Transport (March 2007) and Technical Advice Note 23: Economic Development (February 2014) together with guidance contained within Section 14 of The Development Management Manual (May 2017), Section 14 Annexes: Enforcement Tools of The Development Management Manual (November 2016) and Welsh Office Circular 24/97: Enforcing Planning Control: Legislative Provisions and Procedural Requirements (December 1997).

## ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes in that some of the operations within the building fall within Schedule 2 Part 4 Production and processing of metals and the floor space is over 1000 square metres however it should be noted that the activity and associated processes within the building have been operational for a number of years and no new floor space is being created. Furthermore, an Enforcement Notice has previously been served on the land and buildings which permits a generalised B2 use for certain operational hours.

Was an EIA required? No.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not applicable given the nature of the application.

### CONSULTATION

CADW - Records show that there are no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development and therefore no comments are offered.

Environmental Health Manager - CCBC - Intensive consultation over a 32 month period between all parties has led this department to the recommendation of the conditions below to be imposed on any consent granted. The elongated consultation period was necessary to ensure that noise control was appropriately considered and that the principle criterion of policy CW2 is upheld to protect residential amenity going forward.

It should be noted that in the absence of any of the conditions this department would not be in a position to recommend approval of the consent applied for. For avoidance of doubt, the conditions are only suitable to be applied to this consent should the acoustic mitigation scheme be installed and verified prior to operating for the extended hours granted. It should also be noted that the consent is only considered as acceptable between the hours of 07:00-23:00 Monday to Sunday and that the department would continue to recommend refusal of the B2 use past these hours.

01. The development shall be carried out in accordance with the following approved plans and documents:

Dwg No. P2951 Site Survey Plan received on 24.04.2020;

Dwg No. WHL R 02 Future Proposed Layout received on 05.01.2023;

Dwg No. WHL R 03 Future Proposed Scheme 2022 Barriers received on 05.01.2023;

Report 5151/SNA1-R1 Risca Factory Source Noise Assessment dated 22.04.2020 and received on 24.04.2020;

Report 5152/NIA dated 07.04.2022 Noise Impact Assessment and received on 29.06.2022;

Report WHR001rev2 Noise Management Plan Acoustic Upgrade Proposals dated December 2022 and received on 05.01.2023.

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

02. No machinery shall be operated and no process shall be carried out at the site outside the following times:

07.00 hours to 23.00 hours Monday to Sunday.

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

03. No external operations shall be undertaken, no external machinery shall be operated and no external processes shall be carried out, outside of the following times:

(a) 07.30 hours to 18.00 hours Monday to Friday;

(b) 08.30 hours to 13:00 hours on a Saturday; and

(c) No external working shall be carried out, no external machinery shall be operated and no external processes shall be carried out on Sundays or bank holidays.

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

04. No deliveries shall be taken at or dispatched from the site outside the hours of:

(a) 07.30 hours to 18.00 hours Monday to Friday;

(b) 08.30 hours to 13:00 hours Saturday; and

(c) No deliveries or dispatches shall take place on Sundays or bank holidays.

Unless otherwise agreed in writing with the Local Planning Authority.

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

05. Notwithstanding the submitted Noise Management Plan Report WHLR001rev2 dated December 2022 further details of measures to control the noise emanating from the premises shall be submitted for approval to the Local Planning Authority within two calendar months of the date of this consent. Details of this scheme shall include but shall not be restricted to the following:

(i) Procedures in relation to control of noise from plant/working methods;

(ii) Control of external noise;

(iii) Delivery Protocol;

(iv) Maintenance and repair of sound insulation scheme (building fabric and barrier systems);

(v) Procedure of dealing with noise complainants;

(vi) Application of alarm systems on pedestrian doors;

(vii) Staff training with regards to noise management;

(viii) Service request investigation procedure; and

(ix) Control of site traffic noise.

The development shall thereafter be carried out in accordance with the details approved by the Local Planning Authority.

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

06. The development shall be carried out and maintained in accordance with the sound reduction measures and criteria specified in Report WHR001rev2 Noise Management Plan Acoustic Upgrade Proposals dated December 2022. The scheme shall thereafter be independently verified by a suitably qualified third party acoustic consultant to certify that the development has been carried out in accordance with the approved details.

Verification documentation shall thereafter be submitted to and approved in writing with the Local Planning Authority prior to any operations or processes commencing within the following times of 18.00 hours to 23.00 hours Monday to Sunday.

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

07. The level of noise emitted from plant, machinery or operations on the premises shall not exceed a level of 3dB above the background noise level as measured as an L(A)eq,1 hour at any site boundary and shall not exceed a L(A) Max level of 45dB at any point; between the hours of 18:00; and 07:00; on Monday to Sunday.

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

08. The acoustic fence proposed enclosing the carpark as detailed in Dwg No. WHL R 03 Future Proposed Scheme 2022 Barriers shall be installed within two calendar months of the date of this consent and shall be maintained as such for the lifetime of the consent.

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

09. The acoustic fence installed along the eastern and southern boundaries of the site shall be maintained as such on a like for like basis as such for the lifetime of the consent.

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

10. Prior to the installation of any new or replacement external site lighting details of the lighting units, levels of illumination and hours of use shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be maintained as such for the lifetime of the consent.

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

11. There shall be no vehicular access or egress from the Fields Road entrance under any circumstances.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the building shall be constructed without the approval of the Local Planning Authority.

REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Transportation Engineering Manager - CCBC - Having regard to the information available there are 2 rows of car parking spaces of approximately 74m in length in a Car parking Zone 4. The existing parking provision equates to around 60 spaces within the curtilage of the site, which is adequate to serve the B2 use. Therefore, no objection is raised for this application.

### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and thirty neighbours were notified by way of letter.

Response: Seven letters of representation in total have been received following two neighbour consultations.

Summary of observations: The following objections have been raised:-

1. The shift structure of days and nights will cause excess noise levels during the night shift.
2. The use of the building is for storage and manufacturing and most of the enforcement notices on this building are not being adhered too. For example the doors are left open or taped up to stay open in the absence of delivery vehicles and operations are being carried out at weekends, on Bank Holidays and extended hours through the week.
3. There is a conflict of land uses in close proximity to one another.
4. The noise survey completed by Hunter Acoustics was undertaken before manufacturing was ramped up and should now be done again to get a true reading of the levels of noise.
5. Hammering is audible from within the building to the properties and gardens of Fields Road.



6. The trees along the southern and eastern boundaries within the site have been removed which provided some sort of barrier to minimise a certain level of noise and dust.

7. The 2.5 metre barriers erected along the eastern and southern boundaries to provide screening from vehicle movement noise does not work as the fence is erected in a dip and the road around the building is approximately level with the finished floor levels of the neighbouring properties.

8. The additional shift will create more noise and dust.

9. The roller shutter doors should be moved to the river side of the building away from residents.

10. Requests more information on the planned one-way system in that the northern end of the premises is very close to the building and it would be difficult for any large vehicle to successfully negotiate the 90 degree turns necessary to drive around the northern end of the building.

11. Inaccuracies within the application form in that it states that the site is not within a flood risk area.

12. Photographs submitted of a large vehicle carrying steel work into the building with the steel from the vehicle hanging over a neighbouring garden as it manoeuvres through the site.

13. The Local Planning Authority is required to balance the business requirements against the welfare and concerns raised by neighbouring residents.

14. Requests a caveat on this change of use to only apply to William Hare and if the building was to be sold or rented to another firm at a future date then the original B8 restrictions be re-imposed.

15. Accepts that William Hare is more responsible to the neighbours than the former occupiers of the site however they do not fully comply with the requirements of the existing Enforcement Notice.

#### 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 application.

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No the development is not CIL liable.

### ANALYSIS

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

Full planning permission is sought to change the use from B8 (Storage or Distribution) to B2 (General Industrial), external alterations (including replacement roller shutter doors) to enhance the acoustic performance of the building, confirmation of operational hours and ancillary works.

By way of background context to assist in the consideration of this application the building was erected in the 1960's as a warehouse for the storage and dispatch of steel sections and sheets. In later years 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 are assembled on a development site, such as the site of the London Olympics and other major civil engineering projects.

The commencement of steel fabrication on the site brought with it complaints regarding the noise being generated by that work, which often went on late at night. Initially this matter was pursued with the company under the Environmental Health legislation. The Planning Department became involved when a request was received to check the planning history of the site to establish if there any conditions in place that would control either the hours of operation or noise levels emanating from the site. It became evident when the matter was investigated that the use of the site for the steel fabrication would fall under Class B2 of the Town and Country Planning Use Classes Order 1987, which was not consistent with the apparent authorised use of the site as that of a warehouse for the storage and dispatch of steel sections and sheets, Class B8. The original unauthorised change of use took place in 2005 when the site was occupied by WF Manufacturing Ltd. A warehouse use would fall within Class B8 of the legislation referred to above. A change of use from B8 to B2 would require the benefit of planning permission because it would represent development in the form of a 'material' change of use. There was no record of such planning permission being sought or granted and therefore use of the premises was unauthorised and represented a breach of planning control.

The position of the company at the time, Rowecord Engineering Ltd did not accept that they were in breach of planning control and maintained that the use of the premises for a B2 use had been established for many years. They suggested that it had been used for the same purpose since the site was developed and the building erected.

Under Section 191 of the Town and Country Planning Act 1990 if a person wishes to ascertain whether any existing use of buildings or other land is lawful, they have the right to apply for a certificate of lawful use or development. If such a certificate were to be granted no enforcement action could then be taken against the use referred to in the certificate. In order to succeed in an application for a Lawful Development Certificate for a material change of use, it has to be shown, on the balance of probabilities, that the change has become immune from enforcement due to it having been in continuous use for a period of more than 10 years and having achieved this status, such use has not been lost by abandonment, the formation of a new planning unit or by way of a further material change of use. That right was explained to Rowecord Engineering Ltd by the Local Planning Authority but they appeared unwilling to pursue this course of action.

In January 2009 internal departmental discussions between Planning and Environmental Health confirmed that industrial noise complaints had been received and that they continued intermittently to receive complaints relating to both industrial noise and dust emanating from the Rowecord site during both the day and night. Environmental Health Officers also confirmed that there were periods when no complaints were received, which seemed to relate in part to when the company had a reduced workload and consequently were not operating through the night. Officers from Environmental Health carried out numerous visits to the site itself and the surrounding area as part of their investigations into those complaints and concluded that those complaints were justified.

Based on the work that the Council's Environmental Health Officers carried out relating to complaints of noise it was their opinion that the premises should not be allowed to operate in this location as a B2 use and as such would recommend refusal of any planning application for General Industrial use. However, they also stated that if it was accepted that the business should be allowed to continue to operate then a number of conditions should be imposed to control the use of the premises and if a 24 hour use on the site was sought then a noise assessment would be required detailing measures to mitigate against noise, in particular low frequency noise. The reasoning behind this requirement was because the method of construction used in the main building would require retrofitting the fabric of that building with substantial acoustic upgrading in an effort to contain noise within the structure.

Having considered the matter from both planning and environmental health points of view, it appeared that provided that the use was properly controlled in the interests of the amenity of the residential neighbours, objections to the continued use of the premises would be overcome.

Under Section 173(11) of the Town and Country Planning Act 1990, it is possible to 'under enforce'. That section states that:-

" Where -

(a)an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and

(b)all the requirements of the notice have been complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities."

On that basis it was considered possible to serve an enforcement notice with the requirements of the notice framed in similar terms to that of a planning condition, mitigating the adverse impact that the use had upon on the nearby residential properties fronting onto Fields Road. Such action was considered to be reasonable and proportionate in dealing with the breach of planning control and would therefore serve a planning purpose, in the public interest. An enforcement notice was therefore drafted in those terms and issued on Rowecord Holdings Ltd on 12th December 2012.

The requirements of the notice specified:

Cease the use of the land and buildings shown edged red on the attached plan for the manufacture of steel products, falling with 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:-

- 18:30 hrs to 07:30 hrs on the following days: Monday to Thursdays.
- 18:30 hrs Fridays to 08:30 hrs on Saturdays.
- 13:30 hrs Saturday to 07:30 hrs on Mondays (inclusive of Sundays).
- On any Bank Holidays.

Legal representatives lodged appeals to the Planning Inspectorate (References APP/K6920/C/13/2191217 and APP/K6920/C/13/2191397) on behalf of Rowecord Holdings Ltd against the enforcement notice on grounds (a), (c), (d) (f) and (g) of Section 174(2) of the Town and Country Planning Act 1990. The Local Planning Authority was advised in writing on 6th June 2013 that Rowecord Engineering Limited entered into administration and that Rowecord Holdings Ltd did not wish to continue with the appeal. The Planning Inspectorate confirmed that the appeals had been withdrawn on 13th June 2013.

The building was subsequently vacant for some time prior to the William Hare Group occupying the building as steel fabricators, within the restricted hours of operation for Class B2 use specified within the enforcement notice. William Hare Group is the largest independent steel fabricator in the UK and they engaged in pre-application discussions

between January - April 2020 to pursue an application to allow B2 activity on site to operate on a 24 hours a day, 7 days a week basis to enable the efficient operation of the site. Given the very close proximity of residential receptors on two facades of the building. A site visit was undertaken by Environmental Health Officers and multiple concerns were raised with a view that Environmental Health could not support a 24/7 operation at the site however would consider in the first instance the introduction of a second shift that would allow operations between 07:00-23:00 hours subject to the following requirements:-

- The noise mitigation scheme provided is implemented as per the recommendations within the report prior to any extension of those hours being granted;
- The entire building to be acoustically upgraded using a scheme / products that are capable of achieving the required decibel sound reduction;
- The roof is insulated; and
- The roller shutter doors provide appropriate acoustic mitigation.

Following the initial advice provided as part of the Pre-Application, William Hare proceeded with a full application seeking the approval of a 24/7 operation for steel fabrication in May 2020 contrary to the pre application advice provided by Environmental Health Officers.

The applicant has stated that the main benefits of the extended operation hours are:

- The reintroduction highly skilled employment at the former vacant site;
- The creation of significant number of full time jobs to be created;
- Significant investment of circa £700,000 in the upgrade of the building with all cladding (with the exception of the recently constructed extension) replaced by a new acoustic system including the roller shutter doors to be replaced by acoustic doors; and
- Increased production at the site will generate multiplier effects for the County Borough and the wider regional economy in Wales.

The key planning issues arising from the application details are:

1. The principle of development at the site and the suitability of the site for a B2 industrial land use;
2. The visual impact of the external alterations;
3. Residential amenity and associated noise impacts; and
4. Highway safety.

#### 1. THE PRINCIPLE OF DEVELOPMENT AT THE SITE AND THE SUITABILITY OF THE SITE FOR A B2 INDUSTRIAL LAND USE.

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, the development plan in force is the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Policy SP5 (Settlement Boundaries) of the Local Development Plan (LDP) states that the boundaries are defined in order to define the area within which development would normally be allowed, to promote the effective use of urban land and to prevent fragmented development and inappropriate development in the countryside. The proposed development is considered to comply with Policy SP5.

In tandem with Policy SP5, Policy CW15 (General Locational Constraints) states that development proposals must not constrain the development of any adjacent site for its allocated land use and that within settlement boundaries they accord with the role and function of the settlement. This application relates to an existing use of land subject to an enforcement notice with restricted hours of operation within an existing commercial planning unit. In policy terms the site is not subject to any policy or environmental designations but does fall within Flood Zone C1, however the site is supported by significant flood defence infrastructure which has been undertaken in recent years.

Policy SP3 (Development Strategy - Development in the Southern Connections Corridor (SCC)) of the LDP states that development within the Southern Connections Corridor will promote sustainable development that:

- A Uses previously developed land within settlement limits;
- B Reduces Car borne trips by promoting more sustainable modes of travel;
- C Makes the most efficient use of existing infrastructure;
- D Has regard to the social and economic function of the area; and
- E Protects the natural heritage from inappropriate forms of development.

The priority and emphasis within the SCC focuses on the redevelopment of existing sites (brownfield land) where feasible and not on the release of any substantial new greenfield land subject to satisfactory environmental and community safeguards and consideration of the role and function of settlements within the strategy area.

In that regard Policy CW4 (Settlement Strategy) identifies Risca/Pontymister as a Principal Town with the seeking to enhance Principal Town Centres based on their current role and function in order to respond appropriately to both local and wider economic, social and environmental needs.

Policy SP17 (Promoting Commercial Development) seeks to enhance the commercial sector in terms of service provision and employment opportunities for the residents of the County Borough and whilst a range of sites and Commercial Opportunity Areas have been created and the application site is not within one of those targeted areas, its proximity to the Principal Town Centre of Risca/Pontymister (within 60 meters walking distance) provides an opportunity to drive further economic growth through increased footfall activity.

This is further supported by Welsh Government's commitment to sustainable development through enhancing economic, social and environmental well-being for

people and communities in responsible ways as set out in Planning Policy Wales (PPW) with the objectives set out for economic infrastructure set out in Chapter 5 of PPW.

Given the location of the site in the settlement boundary and the enforcement notice served in 2013, there is a presumption in favour of development (i.e. an extension to the hours of operation) subject to it being acceptable in terms of the relevant planning material considerations.

General development control considerations are set out in policies SP6 (Place making), CW2 (Amenity) and CW3 (Design Considerations-Highways) of the LDP.

## 2. THE VISUAL IMPACT OF THE EXTERNAL ALTERATIONS.

In design terms Policy SP6 seeks to ensure that new development will be of a high standard of design, this application proposes a number of external alterations to the fabric of the existing building to deliver appropriate acoustic mitigation, while also enhancing the appearance of a highly prominent building. The external cladding system in terms of its finish and colour would match the recently constructed extension at the north-western end of the site and would therefore reinforce the existing commercial/industrial setting of the site itself and the wider area immediately to the north and west of the site. Therefore the external alterations are considered acceptable from a design perspective and complies with Policy SP6.

## 3. RESIDENTIAL AMENITY AND ASSOCIATED NOISE IMPACTS.

Policy CW2 relates to amenity and states that development proposals should have no unacceptable impact on the amenity of adjacent properties or land; should not result in the over-development of the site; and the proposed use is compatible with surrounding land-uses. The proposed development would not result in over development of the site in that sufficient operational and servicing space has been demonstrated and would not increase the internal floor space of the building, furthermore it will also not constrain neighbouring land uses adjacent to the site.

The restricted B2 hours of operation associated with the enforcement notice permits a certain level of industrial activity on the site, therefore given the proximity of the residential properties of Field Road to the building Officers have deliberated at length as to whether the current level of amenity received by neighbouring residents would be adversely affected. Additionally, despite William Hare appearing to be a more considerate operator than its predecessor there have been multiple occasions where Environmental Health Officers have received noise complaints and the objections received indicate that this issue has not been resolved.

The key consideration in the determination of this application is whether the proposal can provide sufficient mitigation to ensure noise levels from the operating practices and activities undertaken within the building, external areas and delivery movements to and from the site would not adversely affect the living conditions of the neighbouring

residents by way of increased noise levels with a distinction being made between the proposed development and the permitted B2 restricted hours associated with the enforcement notice.

Paragraph 5. 4.15 of PPW states:-

"Whilst employment and residential uses can be compatible planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised."

Government advice and policy in respect of noise is contained in Planning Guidance Technical Advice Note (TAN) 11: Noise and should be read in conjunction with PPW.

TAN 11 states that 'Local Planning Authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate condition.' It goes on, ...'measures introduced to control the source of, or limit exposure to, noise should be proportionate and reasonable, and may include: iii. Administrative: limiting operating time of noise source; restricting activities allowed on the site; specifying an acceptable noise limit'.

TAN 11 also sets out the methodology for the assessment of noise from different sources, Annex B. B17 relates to noise from industrial and commercial developments B17. The likelihood of complaints about noise from industrial development can be assessed, where the Standard is appropriate, using guidance in BS 4142: 1990. Tonal or impulsive characteristics of the noise are likely to increase the scope for complaints and this is taken into account by the "rating level" defined in BS 4142. This "rating level" should be used when stipulating the level of noise that can be permitted. The likelihood of complaints is indicated by the difference between the noise from the new development (expressed in terms of the rating level) and the existing background noise. The Standard states that, 'A difference of around 10 dB or higher indicates that complaints are likely. A difference of around 5 dB is of marginal significance'. Since background noise levels vary throughout a 24 hour period it will usually be necessary to assess the acceptability of noise levels for separate periods (e.g. day and night) chosen to suit the hours of operation of the proposed development. Similar considerations apply to developments that will emit significant noise at the weekend as well as during the week. In addition, general guidance on acceptable noise levels within buildings can be found in BS 8233: 1987.

The Council's Environmental Health Officers have been consulted on the application and following the review of the submitted details and reports to accompany the application, the following concerns were raised by Officers:-



- Increasing production in the absence of any improvements to the existing building envelope from an acoustic perspective is likely to cause issue as the current Enforcement Notice served was to abate noise impacts caused by operation of steel fabrication within the building in its current state as a result of an influx of noise complaints from nearby residents at the time the notice was issued.
- Potential intensification of the process could exasperate noise experienced by nearby residential vicinity within the day-time and night-time period.
- The specifications provided could theoretically achieve the dB levels proposed in the reports however, the acoustic attenuation capabilities of such materials could be greatly reduced in real life situations due to poor installation/maintenance, mounting of internal equipment, lack of appropriate management etc.
- Some reports allude to the recommended high specification acoustic attenuation failing to adequately mitigate night-time noise due to high peak noise levels from certain equipment. The inconsistent high impact sounds that are generated are very difficult to manage.
- External areas are a concern as currently there is no noise mitigation between the service yard and nearby residents.
- The intermittent nature of some activities could breach modelled sound predictions particularly within night-time hours i.e. difficult to control hammer to steel strikes administered by individuals, or employees entering / exiting cars during a shift change etc. Therefore there is a likelihood this proposed noise level could be exceeded on a nightly basis by undertaking one or two activities and a potential for sleep disturbance to be caused to residents should the factory be operational 24/7.

In addition, further concerns were heightened due to an influx in service requests received between August and September 2020 concerning noise emanating from the premises within normal operational hours which would suggest current practices are a potential concern in the day-time hours also. It should also be noted that the current enforcement hours were imposed to resolve noise from steel fabrication throughout the night-time which was proven to be an issue when investigated.

Officers sought approval from the Environmental Health Manager and the Corporate Director of the Economy and Environment to employ a third party acoustic consultant (Arcadis) to review all of the Noise Acoustics Reports and associated documentation in order to make an informed recommendation in assessing the impacts on the neighbouring properties in relation to noise impacts.

The reports highlighted increased uncertainty within the modelling software inputs to inform adequate noise insulation for the building fabric, the period of which sound data was collected at the Risca site, methodology used to calculate sound levels and also inconsistencies in the application of British Standard 4142:2014+A1:2019: Methods for

rating and assessing industrial and commercial sound which is required to appropriately assess the impacts of the proposal on nearby sensitive receptors. The report re-affirmed initial Officer concerns in terms of noise disturbance and the adverse impacts steel fabrication would have on nearby residential amenity should the application be granted to operate within late evening/night-time hours.

Following the initial review of the acoustic information provided by Arcadis, Hunter Acoustics submitted several additional reports on behalf of William Hare containing further information following continuing scrutiny from Arcadis with regard to the accuracy of the acoustic model outputs and methodology utilised by Hunter Acoustics when predicting ultimate noise levels experienced by nearby residential receptors as a result of the proposal.

In light of on-going concerns, the Council commissioned Arcadis in September 2021 to conduct further sound measurements to verify sound predictions within the Hunter acoustic reports and associated documentation to fully address concerns raised to safeguard the amenity of neighbouring residents. The outcome of which fundamentally disagreed with the technical aspects of the modelling and data contained within previously submitted reports and the noise assessments were robust to assure Officers that the detail provided was technically sound.

Additional sound data between October 2021 and May 2022 was submitted in an attempt to objectively assess tonality and impulsivity to verify sound rating levels provided by Hunter Acoustics with the analysis of that sound data highlighting optimistic acoustic character corrections applied to sound data within the acoustic data set provided by Hunter Acoustics, which may have adversely impacted calculations made and ultimately compromised the acoustic mitigation scheme to be implemented within the fabric of the building, thus affecting the overall noise level experienced by residential receptors.

Arcadis raised concerns reinforcing the need to provide further justification and detail concerning the uncertainty/margin for error contained within the acoustic model parameters; queries in relation to the product performance data of materials proposed for the acoustic mitigation of the building; the effectiveness of the barrier on the southern perimeter; queries in relation to the acoustic character corrections and sound criteria to be implemented to control noise at site and whether the levels proposed could be achieved.

After 25 months of negotiations in June 2022 William Hare sought to change the hours of operation originally sought to align with the advice of the Pre-application advice provided by officers in April 2020 to operate between the hours of 07:00 - 23:00 Monday to Sunday and an updated noise report which included a new barrier layout, new proposal for the fabric of the building and certified performance data was submitted to address the previous concerns raised in addition to the submission of a revised noise impact assessment report and was sent to Arcadis for review.

The report prepared by Arcadis confirmed calculations undertaken following the submission of the latest Hunter Acoustic report indicated a significant improvement to the scheme resulting in lower levels at the closest and potentially most noise sensitive premises. Their concluding comments acknowledged remaining elements of disagreement between the acoustic consultants but highlighted that the extent of these may be negligible but were highlighted for the purpose of completeness.

All information to date has been scrutinised by Officers in detail and further meetings have been held with William Hare to discuss queries regarding the management of the process particularly during evening/night-time hours should consent be granted and this was followed up with a meeting held at the site in November 2022. The outcome of that meeting resulted Officers requesting further information to be submitted in terms of a consolidated sound insulation scheme report and updated details to ensure the noise management plan was acceptable to control noise within the operational phase of the development and has been submitted for further review.

Whilst it is recognised that an intensive consultation has taken place over a 32 month period between all parties, such discussions have been necessary to ensure that noise control has been meticulously considered in order to protect the interests of the neighbouring residents. On that basis subject to the imposition of all the planning conditions stated then the hours of operation at the site between 07:00-23:00 hours Monday to Sunday are considered acceptable in planning terms. It should however be noted that any future request to extend the B2 operational hours between 23:00-07:00 hours would not be supported.

There are no other elements of the proposal which are considered to result in any unacceptable adverse amenity impacts to the immediate neighbouring occupants or their private amenity areas and therefore subject to the imposition of appropriate conditions the proposed development complies with Policy CW2 of the LDP.

#### 4. HIGHWAY SAFETY

Policy CW3 considers highway safety. In this particular case, it is noted that the enforcement notice permits a B2 use albeit with restricted hours of operation and therefore the usual starting points for a change of use in terms of vehicle movements to and from the site and the requirement to provide a Transport Statement for this sized building cannot be considered. In that the site is operational and the application relates to changing the operational hours and external alterations to the building, the works proposed as part of this application would not lead to an increase in vehicular traffic to and from the site when compared to the current operational arrangements if deliveries and dispatches to and from the site within the constraints of the parameters set for the existing enforcement notice were imposed by condition to any consent granted.

The Transportation Engineering Manager has been consulted on the application and has confirmed that there are no objections to the proposal given the extant use of the existing access to the site and no concerns are raised in relation to the existing levels of

car parking to serve the use and on that basis has concluded that the proposal would not conflict with the criterion associated with Policy CW3 and as such no objection is raised.

## CONCLUSION

Finally, as part of the considerations associated with of this application it should also be noted that PPW is accompanied by TAN 23: Economic Development where it makes it clear that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations. Chapter 2 Planning for Economic Development discusses the importance of weighing the economic benefits of a development.

Paragraph 2.1.1-3 of TAN 23 states:-

" It should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions point in the same direction. Planning should positively and imaginatively seek such 'win-win' outcomes, where development contributes to all dimensions of sustainability.

Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. There will of course be occasions when social and environmental considerations will outweigh economic benefit. The decision in each case will depend on the specific circumstances and the planning authority's priorities.

It is a central objective of the planning system to steer development to appropriate locations. Therefore, where a proposed development would cause unacceptable environmental or social harm, demand should be steered to an alternative location, unless the harm is outweighed by the additional benefit of development at the original site in question. Such alternative locations will not necessarily be in the same local authority area. The TAN does not override any environmental legislative requirements that may apply to a particular site."

In conclusion the proposal is acceptable in principle and would continue to utilise a brownfield site in the SCC. The economic benefits the extended operations would bring include significant investment in the County Borough together with the creation of full time jobs during the construction phase and through the implementation of a second shift as part of the extended operations would support the local economy. The external alterations to the fabric of the existing building will enhance the appearance of a highly prominent building but more importantly will provide appropriate acoustic mitigation that is not is within the building at present and would therefore improve the overall situation in terms of noise level emitting from the building.

The potential for the extended operations to detrimentally affect the amenity of neighbouring residents has been deliberated at length by Officers in addition to reviewing the wealth of technical information submitted by the applicant. It is therefore considered on balance that provided the acoustic measures are installed and verified prior to the introduction of a second shift within the building itself together with restricting the hours associated with any external activities including deliveries and dispatches to those specified within the enforcement notice that the harm to residential amenity in terms of noise and disturbance will be reduced to an acceptable level once the acoustic mitigation is installed and will be a considerable improvement when compared to the existing operational practices. On that basis the application is recommended for approval subject to conditions to mitigate the use of the building.

Comments from Consultees: The Comments from the Environmental Health Manager are addressed in the report above.

Comments from public: The objections received are responded to by the Local Planning Authority (LPA) as follows:

1. The shift structure of days and nights will cause excess noise levels during the night shift.

LPA RESPONSE: These are matters that have considered at length and addressed in the report above. It should also be noted that the applicant has amended the scheme to reduce the proposed operating practices and hours to those originally sought.

2. The use of the building is for storage and manufacturing and most of the enforcement notices on this building are not being adhered too. For example the doors are left open or taped up to stay open in the absence of delivery vehicles and operations are being carried out at weekends, on Bank Holidays and extended hours through the week.

LPA RESPONSE: These matters have been addressed in the officer report, however it is important to note that whilst complaints have been received by Environmental Health, the complaints are received on an ad-hoc basis and in low numbers. Nonetheless should planning permission be granted, the applicant will be required to comply with the suggested conditions contained within this report to protect residential amenity and residents should make the Council aware if situations arise when conditions are not being complied and does not prevent action taken under nuisance or other environmental legislation.

3. There is a conflict of land uses in close proximity to one another.

LPA RESPONSE: This matter has been addressed in the officer report.

4. The noise survey completed by Hunter Acoustics was undertaken before manufacturing was ramped up and should now be done again to get a true reading of the levels of noise.

LPA RESPONSE: Environmental Health have requested further noise surveys and sound reports and such documents have been submitted for detailed consideration. Both the applicants and Officers of the Council have engaged in many meetings and

email exchanges along with each party appointing their own acoustic consultant before reaching a final recommendation. The on-going discussions that have taken place reflects the length of time it has taken to present a final recommendation for consideration to members of the planning committee.

5. Hammering is audible from within the building to the properties and gardens of Fields Road.

LPA RESPONSE: Noise considerations have been addressed in the report above.

6. The trees along the southern and eastern boundaries within the site have been removed which provided some sort of barrier to minimise a certain level of noise and dust.

LPA RESPONSE: The trees within the site were not protected and unfortunately have been removed by the applicant. Whilst they may have provided some form of perceived barrier, the trees did not provide a dense buffer along the boundary to reduce noise levels. It should also be noted that the 2.5 metres fence installed inside the perimeter of the site to the rear boundaries of the properties along Fields Road will provide a solid barrier in addition to the external cladding and insulation scheme applied to the building along with the insertion of new lobby roller doors.

7. The 2.5 metre barriers erected along the eastern and southern boundaries to provide screening from vehicle movement noise does not work as the fence is erected in a dip and the road around the building is approximately level with the finished floor levels of the neighbouring properties.

LPA RESPONSE: As per point 6 above, the fence has been installed as an additional measure. Any fence erected greater than 2.5 metres in height would give rise to unacceptable neighbouring impacts in terms of overshadowing to the gardens of the neighbouring properties at certain times of the day. It should also be noted that the number of vehicle movements associated with a warehousing and storage use has the potential to be far more intense and could be of a similar size than that of the number and type of vehicles currently entering and leaving the site on a daily basis.

8. The additional shift will create more noise and dust.

LPA RESPONSE: Noise considerations have been addressed in the report above and the introduction of a second shift along with controlled hours of external operations and deliveries in addition to an upgraded building will improve the current levels of residential amenity received, including dust control.

9. The roller shutter doors should be moved to the river side of the building away from residents.

LPA RESPONSE: The Local Planning Authority cannot request the re-positioning of existing openings within the building however the external alterations to enhance the acoustic performance of the building include the installation of new acoustic lobby roller shutter doors.

10. Requests more information on the planned one-way system in that the northern end of the premises is very close to the building and it would be difficult for any large vehicle to successfully negotiate the 90 degree turns necessary to drive around the northern end of the building.

LPA RESPONSE: The one-way system has been removed from the scheme.

11. Inaccuracies within the application form in that it states that the site is not within a flood risk area.

LPA RESPONSE: The site is located in a Flood Zone C1. The description of Zone C1 are areas of the floodplain which are developed and served by significant infrastructure, including flood defences and the precautionary framework indicates that development can take place subject to the application of a justification test, including acceptability of consequences dependent upon the development category and the type of development taking place. In this instance the development category for the land and buildings within the site would be categorised as 'Less Vulnerable Development' however no new floor space is being created and the commercial nature of the site contributing to employment objectives within the Southern Connections Corridor on previously developed land remains unchanged and the nature of the application will not increase flooding elsewhere.

12. Photographs submitted of a large vehicle carrying steel work into the building with the steel from the vehicle hanging over a neighbouring garden as it manoeuvres through the site.

LPA RESPONSE: The photograph provided is noted and the applicant has been advised that vehicles should be loaded correctly to avoid such incidents and potential damage to neighbouring properties for which they would have to resolve privately.

13. The Local Planning Authority is required to balance the business requirements against the welfare and concerns raised by neighbouring residents.

LPA RESPONSE: Noted and such concerns are reflected in the report above and length of time it has taken to reach a recommendation for members consideration.

14. Requests a caveat on this change of use to only apply to William Hare and if the building was to be sold or rented to another firm at a future date then the original B8 restrictions be re-imposed.

LPA RESPONSE: It is not considered reasonable for the Local Planning Authority to consider this request because any consent granted is associated with the land and buildings and not the applicant. It should also be noted that the Enforcement Notice on the site does permit B2 use up to certain hours of the day and therefore it would be unreasonable for the Local Planning Authority to adopt this approach. However should there be a change in site operator in the future they would be required to comply with the conditions as suggested should planning permission be granted in that the conditions will remain for the lifetime of the consent unless a further application on the site is submitted for consideration, for which the merits of that scheme will be fully considered in the same vein as the application presented before members for consideration.

15. Accepts that William Hare is more responsible to the neighbours than the former occupiers of the site however they do not fully comply with the requirements of the existing Enforcement Notice.

LPA RESPONSE: The comments are noted but residents are advised that the Local Planning Authority and Environmental Health do not have the resources to monitor the site regularly and as such problematic matters causing unacceptable noise and disturbance outside of permitted hours should be reported so that a formal investigation can take place.

Other material considerations: None.

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 shall be carried out in accordance with the following approved plans and documents:

Dwg No. P2951 Site Survey Plan received on 24.04.2020;

Dwg No. WHL R 02 Future Proposed Layout received on 05.01.2023;

Dwg No. WHL R 03 Future Proposed Scheme 2022 Barriers received on 05.01.2023;

Report 5151/SNA1-R1 Risca Factory Source Noise Assessment dated 22.04.2020 and received on 24.04.2020;

Report 5152/NIA dated 07.04.2022 Noise Impact Assessment and received on 29.06.2022;

Report WHR001rev2 Noise Management Plan Acoustic Upgrade Proposals dated December 2022 and received on 05.01.2023.

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

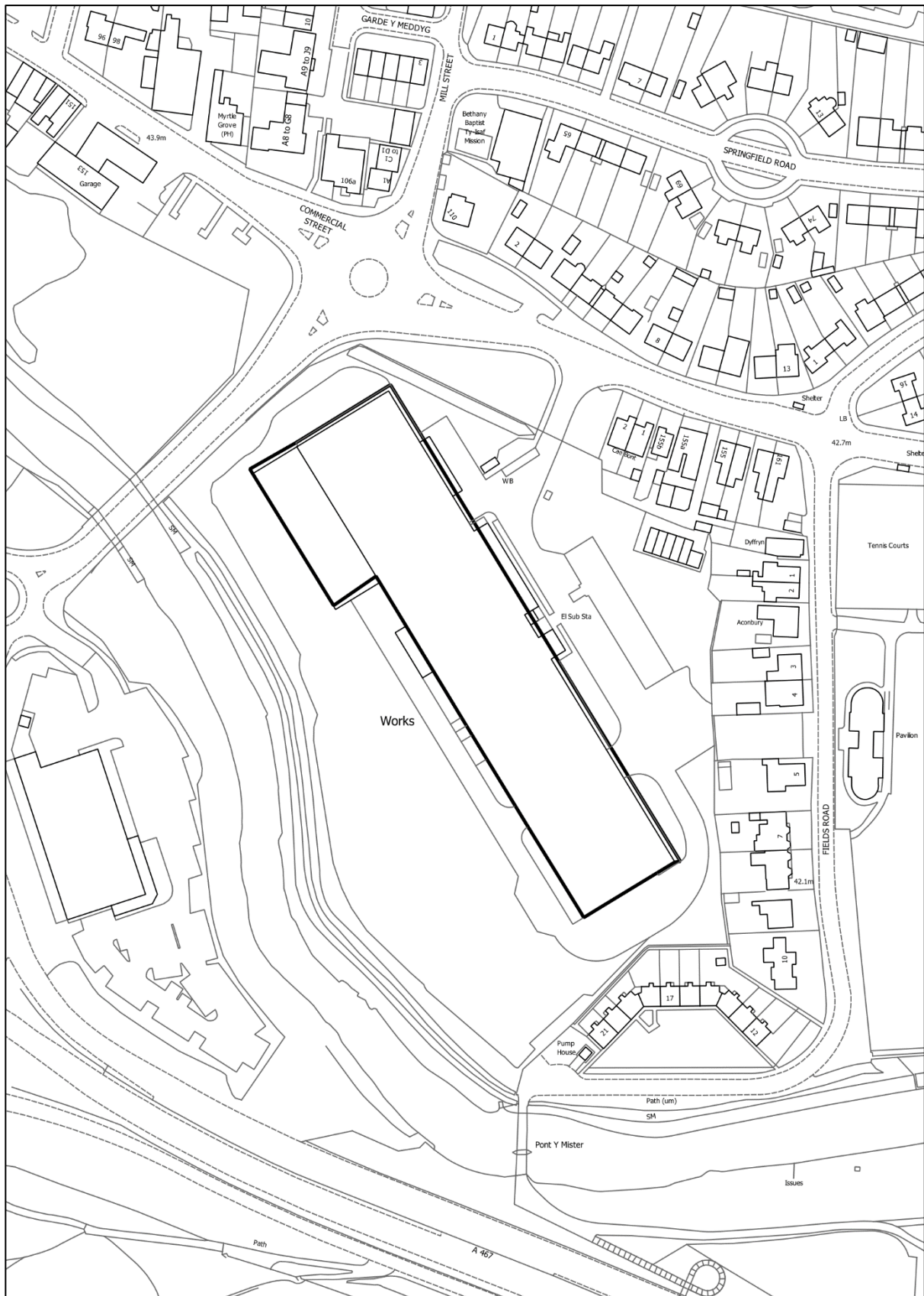


- 02) No machinery shall be operated and no process shall be carried out at the site outside the following times:  
07.00 hours to 23.00 hours Monday to Sunday.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 03) No external operations shall be undertaken, no external machinery shall be operated and no external processes shall be carried out, outside of the following times:  
(a) 07.30 hours to 18.00 hours Monday to Friday;  
(b) 08.30 hours to 13:00 hours on a Saturday; and  
(c) No external working shall be carried out, no external machinery shall be operated and no external processes shall be carried out on Sundays or bank holidays.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 04) No deliveries shall be taken at or dispatched from the site outside the hours of:  
(a) 07.30 hours to 18.00 hours Monday to Friday;  
(b) 08.30 hours to 13:00 hours Saturday; and  
(c) No deliveries or dispatches shall take place on Sundays or bank holidays.  
Unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 05) Notwithstanding the submitted Noise Management Plan Report WHLR001rev2 dated December 2022 further details of measures to control the noise emanating from the premises shall be submitted for approval to the Local Planning Authority within two calendar months of the date of this consent. Details of this scheme shall include but shall not be restricted to the following:  
(i) Procedures in relation to control of noise from plant/working methods;  
(ii) Control of external noise;  
(iii) Delivery Protocol;  
(iv) Maintenance and repair of sound insulation scheme (building fabric and barrier systems);  
(v) Procedure of dealing with noise complainants;  
(vi) Application of alarm systems on pedestrian doors;  
(vii) Staff training with regards to noise management;  
(viii) Service request investigation procedure; and  
(ix) Control of site traffic noise.  
The development shall thereafter be carried out and maintained in accordance with the details approved by the Local Planning Authority.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 06) The development shall be carried out and maintained in accordance with the sound reduction measures and criteria specified in Report WHR001rev2 Noise Management Plan Acoustic Upgrade Proposals dated December 2022. The scheme shall thereafter be independently verified by a suitably qualified third party acoustic consultant to certify that the development has been carried out in accordance with the approved details. Verification documentation shall thereafter be submitted to and approved in writing with the Local Planning Authority prior to any operations or processes commencing within the following times of 18.00 hours to 23.00 hours Monday to Sunday.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 07) The level of noise emitted from plant, machinery or operations on the premises shall not exceed a level of 3dB above the background noise level as measured as an L(A)<sub>eq,1</sub> hour at any site boundary and shall not exceed a L(A) Max level of 45dB at any point; between the hours of 18:00; and 07:00; on Monday to Sunday.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 08) The acoustic fence proposed enclosing the carpark as detailed in Dwg No. WHL R 03 Future Proposed Scheme 2022 Barriers shall be installed within two calendar months of the date of this consent and shall be maintained as such thereafter for the lifetime of the consent.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 09) The acoustic fence installed along the eastern and southern boundaries of the site shall be maintained as such on a like for like basis for the lifetime of the consent.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 10) Prior to the installation of any new or replacement external site lighting details of the lighting units, levels of illumination and hours of use shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be maintained as such for the lifetime of the consent.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 11) There shall be no vehicular access or egress from the Fields Road entrance under any circumstances.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the building shall be constructed without the approval of the Local Planning Authority.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) A Scheme of Ecological Enhancement Measures and a Detailed Implementation Timetable shall be submitted to and approved by the Local Planning Authority within two calendar months of the date of this consent. The Ecological Enhancement Measures shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for lifetime of the consent.  
REASON: To provide a net benefit to biodiversity in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Policy 9 of Future Wales: The National Plan 2040 (2021), Planning Policy Wales Edition 11 (2021), Technical Advice Note 5: Nature Conservation and Planning (2009) and policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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