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

**Date: 1st March 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 March, 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', enclosed in a large, loopy oval shape.

**Christina Harrhy**  
CHIEF EXECUTIVE

## AGENDA

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 8th February 2023.

1 - 4

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

4 Preface Item Application No. 21/1158/RET - GLJ Recycling Ltd, Chapel Bridge Yard, Chapel Farm Industrial Estate, Cwmcarn, Newport, NP11 7NL.

5 - 28

5 Preface Item Application No. 22/0175/NCC - Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed, CF82 8FY.

29 - 54

6 Application No. 22/0841/COU - Land Within Morgan Street Works Perimeter, Morgan Street, Llanbradach, Caerphilly, CF83 3QT.

55 - 74

7 Application No. 22/0994/LA - Pontllanfraith Comprehensive School, Coed-Cae-Ddu Road, Pontllanfraith, Blackwood, NP12 2YB.

75 - 98

### **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, 8<sup>TH</sup> FEBRUARY 2023 AT 5:00 PM

PRESENT:

Councillor R. Saralis – Chair

Councillors:

M. A. Adams, A. Angel, R. Chapman, N. Dix, D. Ingram-Jones, B. Miles, M. Powell, J. Taylor, A. Whitcombe and S. Williams.

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), R. Kyte (Head of Regeneration and Planning), M. Godfrey (Team Leader - Pollution Control and Emergency Planning and Resilience), J. Hobbs (Senior Engineer), C. Campbell (Transportation Engineering Manager), Maria Godfrey (Team Leader - Pollution Control and Emergency Planning and Resilience), A. Brown (Environmental Health Officer), 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 Councillors Mrs E. M. Aldworth (Vice Chair), G. Ead, J. E. Fussell, A. Hussey and K. Woodland.

#### 2. DECLARATIONS OF INTEREST

Councillor B. Miles declared a personal and prejudicial interest in [Agenda Item 6 – Application No: 22/0175/NCC - Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed, CF82 8FY](#), due to having a beneficial interest in a local quarry which could be

considered as a competitor, and left the meeting whilst the application was discussed.

Councillor A. Whitcombe had predetermined Application No: 21/1158/RET - GLJ Recycling Ltd, Chapel Bridge Yard, Chapel Farm Industrial Estate, Cwmcarn, Newport NP11 7NL, due to speaking in objection to the application as a local Ward Member, and did not take part in the subsequent debate or vote.

### 3. MINUTES – 11<sup>TH</sup> JANUARY 2023

It was moved and seconded that the minutes of the meeting held on the 11<sup>th</sup> January 2023 be agreed as a correct record. By way of Microsoft Forms (and in noting there were 11 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee meeting held on 11<sup>th</sup> January 2023 (minute nos. 1-6) be approved as a correct record.

### 4. APPLICATION NO: 20/1027/OUT - LAND AT GRID REF 314548 202993, DUFFRYN TERRACE, ELLIOT'S TOWN

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 E. Stenner (Local Ward Member) spoke in objection to the application and C. Duncan-Bance (Applicant) 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 and the inclusion of an additional condition, the recommendation be approved. By way of Microsoft Forms (and in noting there were 8 for, 3 against and 0 abstentions) this was agreed by the majority present.

RESOLVED that: -

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

Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of retaining walls on the site full engineering details and structural calculations for any proposed retaining walls (including any such retaining walls which exceed 1.37m above ground level and which lie within 3.66m of the highway boundary), together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose shall be submitted to and agreed in writing by the Local Planning Authority. Following construction of the agreed retaining walls additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved 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.

- (ii) the applicant be advised:

WARNING: SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

Please note from the 7<sup>th</sup> 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 and The Coal Authority.

**5. APPLICATION NO: 21/1158/RET - GLJ RECYCLING LTD, CHAPEL BRIDGE YARD, CHAPEL FARM INDUSTRIAL ESTATE, CWMCARN, NEWPORT NP11 7NL**

Councillor A. Whitcombe had predetermined the application, due to speaking in objection to the application as a local Ward Member, and did not take any part in the subsequent debate or vote.

The Planning Case Officer presented the application, updated Members on a further objection and noise report received, 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 A. Whitcombe (Local Ward Member) and S. Rendall (Local Resident) spoke in objection to the application and L. Hughson-Smith (Applicant's Agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that the application be deferred for a site visit. By way of Microsoft Forms (and in noting there were 8 for, 1 against and 1 abstention) this was agreed by the majority present.

RESOLVED that: -

- (i) the application be DEFERRED for a site visit.

**6. APPLICATION NO: 22/0175/NCC - GELLIARGWELLT UCHAF FARM, GELLIGAER ROAD, GELLIGAER, HENGOED, CF82 8FY**

Councillor B. Miles declared a personal and prejudicial interest, due to having a beneficial interest in a local quarry which could be considered as a competitor, and left the meeting whilst the application was discussed.

The Planning Case Officer presented the application, read out an objection received from Gelligaer Community Council, 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 A. Gair (Local Ward Member) and M. Roberts (Local Resident) spoke in objection to the application and J. Ayoubkani (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 3 for, 6 against and 1 abstention) the motion was declared lost.

RESOLVED that: -

- (i) the application be DEFERRED for a report with reasons for refusal for the Planning Committee to consider.

**7. APPLICATION NO: 20/0316/COU - BRAITHWAITE ENGINEERS LTD, ROWECORD BUILDING, COMMERCIAL STREET, NEWPORT ROAD, PONTYMISTER, RISCA, NEWPORT, NP11 6EY**

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, the recommendation be approved. By way of Microsoft Forms (and in noting there were 10 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report, the application be GRANTED.

The meeting closed at 7.03 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> March 2023, they were signed by the Chair.

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CHAIR

## PREFACE ITEM

APPLICATION NO.	21/1158/RET
APPLICANT(S) NAME	GLJ Recycling Ltd
PROPOSAL	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
LOCATION	GLJ Recycling Ltd, Chapel Bridge Yard, Chapel Farm Industrial Estate, Cwmcarn, Newport, NP11 7NL

1. This application was reported to planning committee on 8<sup>th</sup> February 2023, where Members resolved to defer consideration of the application to enable a site visit to be held.
2. The site visit was held on 6<sup>th</sup> March 2023 and a verbal update on that meeting will be provided to Members.
3. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
4. A copy of the report submitted to the Planning Committee on 8<sup>th</sup> February 2023 is attached.

Members are now invited to determine the application.

Appendices: Appendix 1 Report submitted to Planning Committee on 8<sup>th</sup> February 2023.

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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.

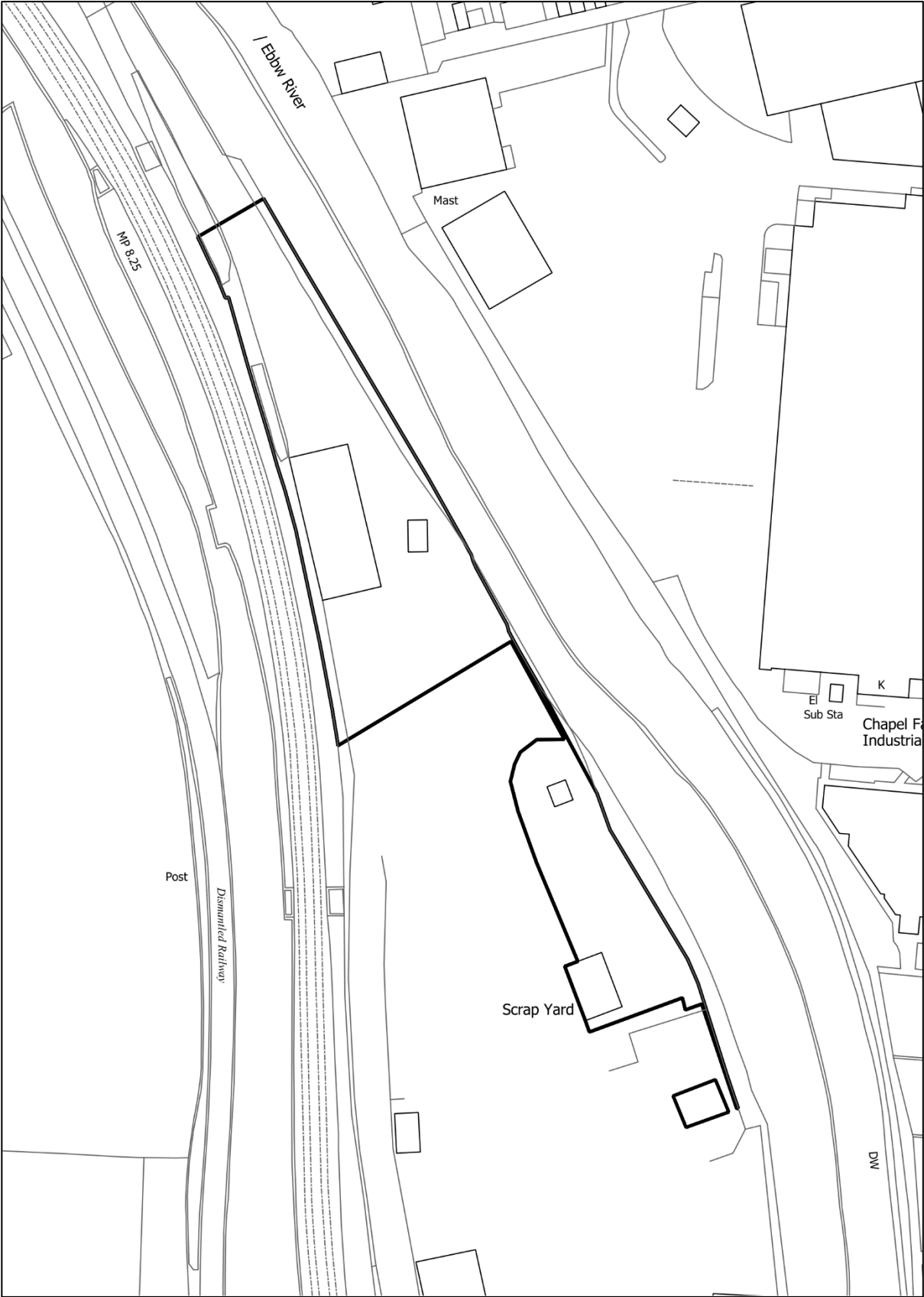
- 15) Prior to the Heavy Fraction plant being brought into operation, a sound insulation verification report shall be submitted to the Local Planning Authority and approved in writing to ensure the building envelope meets the recommended sound reduction criteria stipulated within the submitted noise 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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## PREFACE ITEM

APPLICATION NO.	22/0175/NCC
APPLICANT(S) NAME	Bryn Aggregates Ltd
PROPOSAL	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
LOCATION	Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY.

1. This application was reported to Planning Committee on 8<sup>th</sup> February 2023 with a recommendation of approval. The previous report is attached as Appendix A. At this meeting a decision was deferred to allow officers to draft a reason for refusal based on the concerns expressed by Planning Committee regarding the impact upon the residential amenity of local communities.
2. As detailed in the attached Committee report, however, the available evidence and technical information does not support a reason for refusal on grounds of the impact of quarrying operations on the residential amenity of the local community.
3. The Council's Environmental Health Officer has provided data on continuous air quality monitoring which is attached at Appendix B. This data illustrates that since 17.08.21 there have not been any exceedances of PM10 in terms of daily mean or period mean limits. Minerals Technical Advice Note 1 advises that The Expert Panel on Air Quality Standards (EPAQS) measurement of PM10, which includes essentially all respirable particles, provides the most appropriate basis for an air quality standard in the United Kingdom.
4. In terms of overall air quality monitoring a period mean of 8 µg/m<sup>3</sup> was recorded. These results are considerably lower than the annual mean objective of 40 µg/m<sup>3</sup>.
5. In the period 01.11.2018 to 14.08.2020 there were 8 occasions where the daily limit was exceeded (guidance allows for up to 35 exceedances per year), however, none of the exceedances coincided with blasting at the quarry and 5 out of the 8 occasions coincided with national high pollution episodes.

6. In respect of blasting the vibration limits imposed via planning condition on the operator are more stringent than those recommended in national planning guidance (Minerals Technical Advice Note 1: Aggregates). The national guidance recommends that the limits on ground vibration as a result of blasting operations should not exceed a peak particle velocity of 6 mms-1 ppv in 95% of all blasts measured over any 6 month period, and no individual blast should exceed a peak particle velocity of 10 mms-1 ppv.
7. The planning condition already controlling blasting operations at this site is proposed to be reimposed in the officer recommendation and is more stringent than that recommended by MTAN1, requiring blasting to 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. The results from blast monitoring records, as indicated in the table below, demonstrate that the quarry is operating well within these more stringent restrictions.

**Table 1 : Blast Monitoring Records 2019-2022**

<b>Date</b>	<b>PPV</b>
04.08.22	3.30
06.07.22	2.23
04.05. 22	2.03
11.10. 21	1.68
08.09.21	2.03
30.07.21	0.603
13.07.21	1.68
18.06.21	1.08
24.03.21	2.1
03.08.20	0.79
01.07.20	1.77
28.05.20	1.14
17.03.20	1.27
11.02.20	1.29
13.11.19	1.29
10.10.19	1.01
18.09.19	1.17
10.09.19	1.25
28.09.19	1.72
23.07.19	1.33
26.06.19	0.82
01.05.19	0.86
11.04.19	1.97
27.03.19	1.46
19.02.19	1.02



21.01.19	1.75
10.01.19	0.794

8. The Council's Environmental Health Officer has, also, provided a breakdown of the number of complaints they have received in relation to the site in recent years:

**Table 2 – Complaints received by Environmental Health 2019-2023**

Date	Dust	Noise	Comments
2019	5	30	Noise complaints mainly relate to blasting.
2020	5	28	Small amount of complaints relate to other noise in the quarry.
2021	1	6	
2022	0	4	
2023	0	3	

9. In respect of complaints received in 2022 two of these related to lack of notice for quarry blasts, one for an explosion and one from noise from tipping boulders where diary sheets were sent to the complainant but have not been returned to date.
10. In respect to the three complaints received in 2023 all were received in the last month, two complaints relate to alleged noise from the quarry at night, however, Bryn quarry have advised they weren't working at night. The other complaint is in relation to noise from a pecker in the quarry.
11. On this basis Members are advised that a reason for refusal on grounds of impact upon residential amenity is unlikely to be sustained and would likely expose the Local Planning Authority to a risk of costs being awarded in the event of an appeal.

Recommendation: In view of the above it is recommended that planning permission be granted in accordance with the attached report at Appendix A. However, if members are minded to refuse planning permission, the following reason for refusal is suggested:

01. The proposal would result in a continuation of the quarrying operations at the site which would unacceptably extend the time period of mineral operations and the cumulative impacts of quarrying (especially in terms of noise, dust and air quality) on the local communities, including Gelligaer and Penybryn, to the detriment of the amenity and well-being of residents contrary to the well-being goal of a healthier Wales as set out in the Well-being of Future Generations (Wales) Act 2015 and it

has not been demonstrated that these impacts can be justified by the need for the mineral given current mineral landbanks. The proposal would therefore also be contrary to both Minerals Technical Advice Note (Wales) 1: Aggregates and policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

## APPENDIX A

**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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## Appendix B

### Air Quality (PM<sub>10</sub>) Data monitored at Pen-y-Bryn near Gelligaer

1.11.2018 – January 2023

A continuous air quality monitor has operated at Pen-y-Bryn since November 2018. The results are automatically captured and sent electronically to an independent specialist company for analysis. Monitoring results were periodically reported to the former Bryn Liaison and Discussion groups. For completeness this report includes all previous data, plus more recent data. It should be noted that for the period between the 14<sup>th</sup> August 2020 and 17<sup>th</sup> August 2021 the monitor was not operational. During this time, the monitor was returned to America for calibration checks and unfortunately got delayed during both transits due to Covid quarantine restrictions and difficulty reinstalling the equipment when the council was responding to the pandemic.

Therefore, the results have been presented to demonstrate the continuous picture between 1.11.18 to now, with two further sets of results; 1.11.18 to 14.8.20 (pre-removal of monitor for calibration) and 17.8.21 to now (post reinstallation of monitor). These are included as data sets, 1, 2 and 3 respectively.

The reports highlight two significant areas of interest, the first being the annual mean objective that should not exceed 40 µg/m<sup>3</sup> and the daily mean that should not exceed 50 µg/m<sup>3</sup>. Please note the air quality directive allows up to 35 such exceedances of the daily mean per year.

Data set 1 (complete set) reports a period mean of 8 µg/m<sup>3</sup>, furthermore, data sets 2 and 3 report 8 µg/m<sup>3</sup> and 7 µg/m<sup>3</sup>. These results are considerably lower than the annual mean objective of 40 µg/m<sup>3</sup>.

Data set 1 (complete set) reports 8 occasions when the daily mean has exceeded 50 µg/m<sup>3</sup>. These 8 occasions are detailed in data set 2, with no exceedances reported via data set 3. The 8 exceedances were recorded within the first six months of the monitor being installed, i.e. between November 2018 and April 2019. The 8 events were investigated to ascertain if they coincided with the dates of quarry blasts. As can be seen from table 1, the dates did not coincide with blasts however 5 of them coincided with national high pollution episodes e.g. dust front the Sahara as reported by Bureau Veritas UK. Throughout this period, there were 4 blasts in the quarry; none of those dates coincided with the exceedance of the daily mean.

The results to date are reassuring and signify good air quality.

**Caerphilly Gelligaer E-Sampler**

**01/11/2018 to 16/01/2023**

E-sampler attached to this lamppost near 28 Brynheulog Street, Gelligaer CF82 7FZ

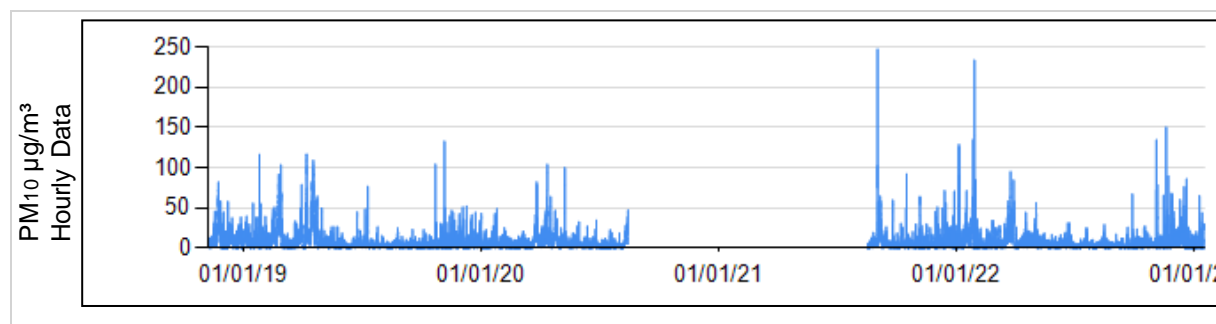
**Note: These data are provisional**

**Correction Factor for Gravimetric Equivalence applied**

	V High (No. of Days)	High (No. of Days)	Mod (No. of Days)	Low (No. of Days)	Max. Hourly Conc.	Max. Daily Conc.	Max. Running 8 Hour Mean	Max. Running 24 Hour Mean	Period Mean Conc.	Period Data Capture (%)
<b>PM<sub>10</sub></b> (µg/m <sup>3</sup> )	0	1	7	1153	247	76	111	83	8	75.9

	Air Quality Objective	Exceedances	Days
<b>PM<sub>10</sub></b>	Daily mean > 50 µg/m <sup>3</sup>	8	8
<b>PM<sub>10</sub></b>	Period mean > annual mean obj 40 µg/m <sup>3</sup>	No	

Note: When comparing site measurements against the air quality objectives data capture should meet or exceed 90% across a calendar year.



**Caerphilly Gelligaer E-Sampler**

**01/11/2018 to 14/08/2020**

E-sampler attached to this lamppost near 28 Brynheulog Street, Gelligaer CF82 7FZ

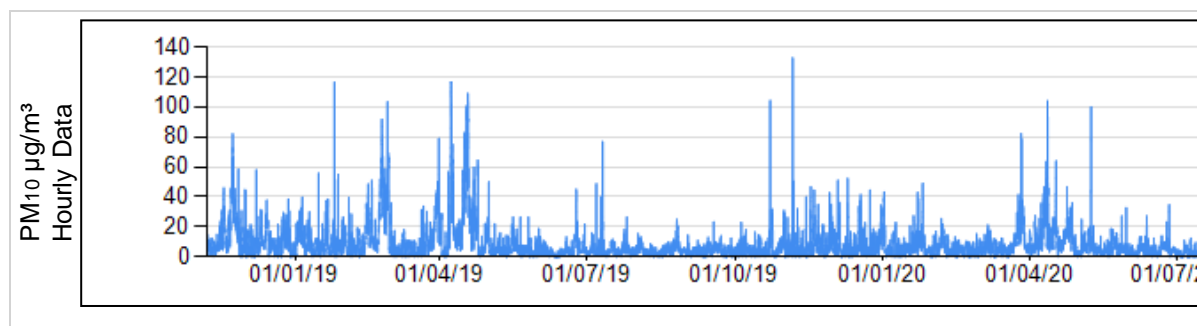
**These data have been fully ratified**

**Correction Factor for Gravimetric Equivalence applied**

	V High (No. of Days)	High (No. of Days)	Mod (No. of Days)	Low (No. of Days)	Max. Hourly Conc.	Max. Daily Conc.	Max. Running 8 Hour Mean	Max. Running 24 Hour Mean	Period Mean Conc.	Period Data Capture (%)
<b>PM<sub>10</sub></b> ( $\mu\text{g}/\text{m}^3$ )	0	1	7	637	133	76	111	83	8	99.9

	Air Quality Objective	Exceedances	Days
<b>PM<sub>10</sub></b>	Daily mean > 50 $\mu\text{g}/\text{m}^3$	8	8
<b>PM<sub>10</sub></b>	Period mean > annual mean obj 40 $\mu\text{g}/\text{m}^3$	No	

Note: When comparing site measurements against the air quality objectives data capture should meet or exceed 90% across a calendar year.



**Caerphilly Gelligaer E-Sampler**

**17/08/2021 to 16/01/2023**

E-sampler attached to this lamppost near 28 Brynheulog Street, Gelligaer CF82 7FZ

**Note: These data are provisional**

**Correction Factor for Gravimetric Equivalence applied**

	V High (No. of Days)	High (No. of Days)	Mod (No. of Days)	Low (No. of Days)	Max. Hourly Conc.	Max. Daily Conc.	Max. Running 8 Hour Mean	Max. Running 24 Hour Mean	Period Mean Conc.	Period Data Capture (%)
<b>PM<sub>10</sub></b> ( $\mu\text{g}/\text{m}^3$ )	0	0	0	516	247	47	76	49	7	99.8

	Air Quality Objective	Exceedances	Days
<b>PM<sub>10</sub></b>	Daily mean > 50 $\mu\text{g}/\text{m}^3$	None	0
<b>PM<sub>10</sub></b>	Period mean > annual mean obj 40 $\mu\text{g}/\text{m}^3$	No	

Note: When comparing site measurements against the air quality objectives data capture should meet or exceed 90% across a calendar year.

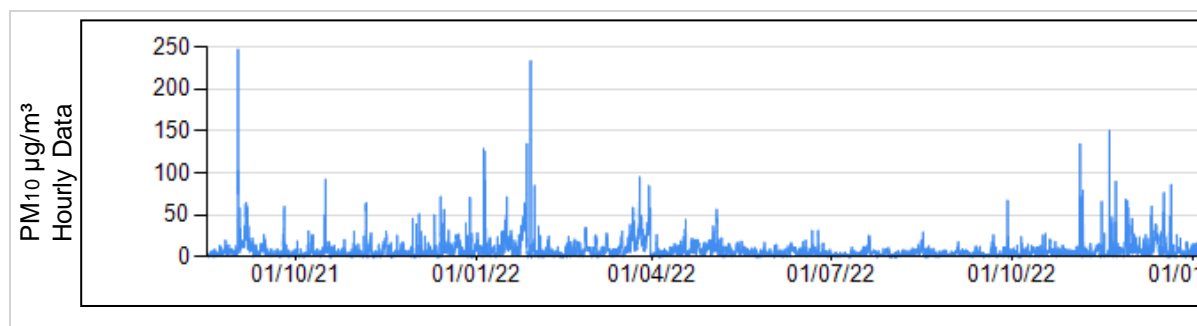


Table 1

**Air Quality (PM<sub>10</sub>) Data monitored at Penybryn near Gelligaer  
November 2018 – April 2019**

Dates	PM <sub>10</sub> Daily mean > 50 µg/m <sup>3</sup>	National pollution episode	Blast in quarry
02 Nov 2018	No exceedance		yes
23 Nov 2018	53.12	No	
27 Nov 2018	No exceedance		yes
13 Dec 2018	No exceedance		yes
10 Jan 2019	No exceedance		yes
21 Jan 2019	No exceedance		yes
19 Feb 2019	No exceedance		yes
23 Feb 2019	61.6	Yes	
24 Feb 2019	51.64	Yes	
06 Mar 2019	No exceedance		yes
27 Mar 2019	No exceedance		yes
07 Apr 2019	62.38	No	
08 Apr 2019	62.56	no	
11 Apr 2019	No exceedance		yes
16 Apr 2019	58.81	yes	
17 Apr 2019	75.76	yes	
18 Apr 2019	61.99	yes	

## Notes:

During the six months of data capture, there were 8 occasions when the daily mean exceeded 50 µg/m<sup>3</sup>; the air quality directive allows up to 35 such exceedances per year.

Of these 8 occasions; 5 occasions coincide with high pollution episodes as reported by Bureau Veritas UK.

Throughout this period, there were 4 blasts in the quarry; none of those dates coincided with the exceedance of the daily mean.

The annual mean objective should not exceed 40 µg/m<sup>3</sup>. The period mean over the six months is 14 µg/m<sup>3</sup>.

The results to date are reassuring and signify good air quality.

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**Application Number:** 22/0841/COU.

**Date Received:** 07.12.2022.

**Applicant:** Mr. C Wainwright.

**Description and Location of Development:** Change the use of derelict land from B1 to B8 and installation of storage containers and associated external works - Land Within Morgan Street Works Perimeter Morgan Street Llanbradach Caerphilly CF83 3QT.

**APPLICATION TYPE:** Change of Use.

## SITE AND DEVELOPMENT

Location: Land Within Morgan Street Works Perimeter, Morgan Street, Llanbradach, Caerphilly, CF83 3QT.

The application site comprises a linear parcel of land (1077 sqm) sited to the western side of a group of vacant industrial buildings known as 'Morgan Street Works'. The site is around 50km from the western end of Morgan Street and 95Km from Rees Terrace, both of which feature terraced residential properties. The site shares its southern border with Llanbradach Community Centre and Caerphilly Skips (Graddfa Industrial Estate) is set at the west, paralleling the opposite side of the intervening railway line). Access is achieved via a track adjoining the limits of Morgan Street, with a loop/link road to the east (circles around a parcel of CCBC freehold Land/open space - land at Grid Ref 314847 190566). Wider connections are achieved via Ffrwd and Glenview Terrace onto Rue De Ploubezre and the Wingfield roundabout (A469 Llanbradach).

Site Description: The site features a collection of several old colliery buildings historically occupied by Kerndale Precision Engineering Ltd, used as workshops for the manufacture of fabricated metal products, notably transmission components. The site has since been sub-divided into isolated units on separate freehold ownerships. The red-line boundary highlights a smaller, linear parcel set along the western facing elevations of the buildings which abuts an embankment that falls to the level of the railway line. This land is set at 3m lower than the adjacent sites, relatively flat and has since been cleared.

Development: Full planning permission is sought for the change of use of derelict land from B1 to B8 and installation of 25 No. 20-foot storage containers and associated external works inclusive of a secure enclosure and service yard.

Dimensions: Excluding the shared access road, undevelopable area of backfill the site occupies an area of 1077 sqm, with containers to occupy around 385 sqm. Overall area to be allocated for B8 use comprises 450 sqm. Shipping Containers measure 6.10m (l) x 1.40m (w) x 2.40m (h), with the compound secured with 3.0m high palisade trident top fencing.

Materials: Steel gates, posts and palisade fencing completed in silver galvanised finish. Finish of hard surfaces and storage containers is unknown, typically coated steel but can be finished in cladding etc.

Ancillary development, e.g. parking: Access track and internal road with turning head and on-site parking.

PLANNING HISTORY 2010 TO PRESENT No relevant planning history.

## POLICY

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

Site Allocation: The site is located within the defined settlement boundary of Llanbradach.

Policies: The following LDP Policies are relevant to this application: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), SP21 (Parking Standards), CW2 (Amenity), CW3 (Design Considerations: Highways), CW5 (Protection of the Water Environment) and CW15 (General Locational Constraints).

SUPPLEMENTARY PLANNING GUIDANCE: The following pieces of SPG have been formally adopted, following public consultation, and are material considerations that will be taken into account when determining this planning application:

LDP5 - Car Parking Standards (January 2017): The application of parking standards enables a transparent and consistent approach to the provision of parking facilities associated with new development and change of use. This Supplementary Planning Guidance (SPG) identifies how the CSS Wales - Wales Parking Standards 2014 will be applied across Caerphilly county borough. This guidance supplements policy SP21 of the Caerphilly County Borough Local Development Plan up to 2021.

LDP6 - Building Better Places to Live (January 2017): The main purpose of this Supplementary Planning Guidance (SPG) is to improve the standard of design in residential development, regardless of its size and location. This document has been designed to meet the requirements of Planning Policy Wales (PPW), Edition 11 (2021) and convey the design implications of TAN 12 to anyone proposing new residential development.

NATIONAL POLICY: Future Wales: The National Plan 2040 (February 2021) and Planning Policy Wales Edition 11 (February 2021).

Future Wales - the National Plan 2040 is the national development framework for Wales, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining, and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems, and improving the health and well-being of our communities.

Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government with the primary objective of PPW to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

PPW is supplemented by a series of Technical Advice Notes (TANs), the following TANs are relevant to this proposal:

Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009).

Technical Advice Note (TAN) 12: Design (2016).

Technical Advice Note (TAN) 15: Development and Flood Risk (2004, Updated 2021).

Technical Advice Note (TAN) 23: Economic Development (2014).

## 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? The site falls within a Development Low Risk Area: Coal Mining Development Referral Area (2022). All relevant informative notes about mining conditions in the area will be attached to any consent issued.

## CONSULTATION

Estates Manager - The applicant has included land owned by CCBC under registered title WA663046 within their red line boundary plan. I have emailed the applicants agent (attached above) advising them of this, requesting that they remove the land owned by CCBC and re-submit their amended plan to the planning department at CCBC, or they should make an application to purchase the land via the CCBC website.

Therefore Property Services raise a precautionary objection on the basis that they have no right to use our land.

Gelligaer Community Council - Llanbradach & Pwllpant Community Council strongly object to the change of use of derelict land for the installation and storage of containers and associated works. These comments are addressed within the officer report.

Transportation Engineering Manager - CCBC - No objection subject to the following conditions:

Use of the proposed storage containers shall not commence until the areas shown for the parking and turning of vehicles within the site curtilage have been laid out in accordance with the submitted plans to the satisfaction of the LPA, and those areas shall not thereafter be used for any purposes other than the parking and turning of vehicles.

The size of vehicles used to access the site shall be limited to no larger than light vans (vehicles under 3.5t), as stipulated in the submitted Design and Access Statement.

The first 10m of the proposed access road (from its junction adjacent to the Community Centre) shall be completed in materials as agreed with the LPA, to ensure loose stones or mud etc. is not carried on to the public highway.

Reasons: In the interests of highway safety and to ensure that adequate off-street parking facilities are provided within the curtilage of the site.

Notes: The LPA should be aware of the of the future potential land use in the immediate area for the proposed Llanbradach Park & Ride Scheme, to ensure that none of the land required to facilitate that scheme in the future is prejudiced by the granting of this consent.

There is an approximate 30m length gap between the nearest adopted highway, and the red-line of the application site. The LPA should be mindful that without an amended location plan incorporating this area into a red/blue line, there is no guarantee that the applicant has vehicular access rights over this section, which may render implementing any planning consent impossible.

This issue has now been addressed by the amended location plan, received 24/02/23.

Environmental Health Manager - Environmental Health have no further comments to make with regards to the above planning application.

CADW - No comments received.

Senior Arboricultural Officer (Trees) - No objection.

Senior Engineer (Drainage) - No objections: The site area is 1077m<sup>2</sup>, as per Application Form. Area to be taken by the storage containers is around 400m<sup>2</sup>, as per Proposed

Plans. SAB approval is required for this development and has not been granted. Please make note of the attached advisories.

Landscape Architect - CCBC - Recommends consultation with the Senior Arboriculturalist.

Network Rail - Network Rail have no comments to make on this application. The rail assets adjacent to this development are no longer NR owned. For comments on this application please contact TFW.

Transport For Wales - Due to the proposal being next to AIW managed infrastructure, prior to any works beginning on site the applicant will need to engage with AIW Asset Protection so that AIW are able to determine the interface with any assets, buried or otherwise and by entering into a Basis Asset Protection Agreement.

The applicant should make contact a minimum of 3 months prior to works starting. Initially the outside party should contact CVLAssetProtection@tfwrail.wales.

Dwr Cymru/Welsh Water - Standing advice is made available to the applicant.

#### ADVERTISEMENT

Extent of advertisement: The application was advertised via the display of a site notice and neighbour notification letters.

Response: 4 No. Representations have been received in response to advertisement of this application.

Summary of observations: The key points raised in 'OBJECTION' comments are highlight below:

1. Increase in volume of traffic.
2. Access is via small residential road that does not have enough parking at present and is in a poor state of repair.
3. Infrastructure not suitable for lorries.
4. Hours of 6.00am to 10.00pm are not acceptable and will impact residential amenity; like living in an industrial estate.
5. What will be stored here; could it be flammables or other substances that residents need to know of?
6. Detriment to nature by means of adverse impacts on surrounding fields.
7. Daily fires are causing black smoke in the area.
8. Negative impacts on mental health of neighbouring residents as a result of all the above.

Comments in 'SUPPORT' of the development are outlined below:

1. Lived and worked at Morgan Street and was historically used by Kerndale Limited for storing of scrap metal as a heavy engineering company. The site has been bought and hopefully this party will resolve fly-tipping and burning and tidy up the land.
2. The facilities would be used by locals, especially when moving home.

Gelligaer Community Council, Llanbradach & Pwllypant Community Council:

Llanbradach is a small quiet village within Caerphilly Borough, mostly residential. Expansion of Caerphilly Skip Hire has also had a detrimental impact on village life, with operations starting at 05:00 giving rise to noise disturbance.

Storage site in Llanbradach will increase noise, dust and traffic. The highway cannot cope with the increased volume of traffic of HGVs in an already congested residential area with road surfaces impacted.

All surrounding residents will be affected by the development during construction works with disturbing vibrations.

Community centre widely used by young people who use the car park for ball games etc. and an area enjoyed by dog walkers, these uses will be impacted.

Residents have a right to quiet enjoyment.

The containers are too close to railway line as reported by Transport for Wales.

The site/fencing encroaches onto land not in their ownership.

There are issues with Welsh Water.

It will adversely affect the future Park & Ride.

#### 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 implications upon crime and disorder to consider which would be relevant to this application.

#### 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 as the area features scarce vegetation as a former industrial site. All relevant advisory notes will be attached to the consent and sent to the applicant as a precautionary measure.

Planning Policy Wales (Edition 11, February 2021): Section 6.4 places a duty on local authorities to ensure that biodiversity and resilience are fully considered by Local authorities. Reference is made to The Section 6 Duty (Environment Act) to ensure that planning authorities demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. Protected Species under European or UK legislation, or under section 7 of the Environment Act are a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. (Section 6.4.22)

Technical Advice Note 5: Nature Conservation and Planning (2009): Section 6.2.1 - the presence of a protected species is a material consideration when a local planning authority is considering a development proposal, that, if carried out, would be likely to result in disturbance or harm to the species or its habitat. Section 6.2.2 - It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.

Environment (Wales) Act 2016 - The Biodiversity and Resilience of Ecosystems Duty: This Act became law on 21st March 2016 and replaces the Natural Environment and Rural Communities Act 2006. It puts in place legislation to enable Wales's resources to be managed in a more proactive, sustainable, and joined up manner and to form part of the legislative framework necessary to tackle climate change. The Act supports the Welsh Governments wider remit under the Well-Being of Future Generations (Wales) Act 2015 so that Wales may benefit from a prosperous economy, a healthy and resilient environment, and vibrant, cohesive communities. Caerphilly County Borough Council as a public body has obligations under section 6 of the Environment (Wales) Act 2016 to demonstrate how the Local Authority will "seek to maintain and enhance biodiversity in the proper exercise of their functions and in doing so promote the resilience of ecosystems".

The Welsh Government launched the Nature Recovery Plan (NRP) which sets out its commitment to biodiversity in Wales and how Wales will address the Convention on Biological Diversity's Strategic Plan for Biodiversity and the associated Aichi biodiversity targets in Wales. The Nature Recovery Action Plan links to and complements The Well-being of Future Generations (Wales) Act 2015 and the Environment Act (Wales) 2016.

Policy 9 of Future Wales - The National Plan 2040, states that action towards securing the maintenance and enhancement of biodiversity (to provide net benefit), the resilience of ecosystems and green infrastructure assets much be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the build environment. In that regard biodiversity enhancements can be sought as part of this development through any additional landscaping proposals required if the development is considered acceptable in all other areas.

## COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? As per the Caerphilly County Borough - Community Infrastructure Levy Charging Schedule (Effective From 1st July 2014) the Commercial Development CIL Rates relevant to B2 - B8 Industrial Developments is equivalent to £0. Therefore, the development is not CIL Liable.

## ANALYSIS

Policies: The application has been considered in accordance with national guidance, Local Development Plan (LDP) policy and supplementary planning guidance (SPG). The application site forms part of an historic industrial centre with a number of vacant buildings with potential for revival into units/warehouses with B-Class uses. In view of the above-mentioned policy context, the key issues to consider in this planning application relate to the principle of the construction of a Class B8 storage compound in this location, impact upon visual amenity, impact upon the amenities of neighbouring occupiers, along with parking and highway safety impacts.

Within the Design and Access Statement (DAS) the land is currently described as derelict comprising an area of 1077 sqm, with the parcel of land in question lying to the west of an identified former railway service building; most recently advertised for sale as a former 'canteen building' (Paul Fosh Auctions). At present the land has been roughly cleared and access is possible from a track connecting with Morgan Street, bypassing the community centre car park and an open green. The site is historically a recognised commercial/industrial site (railway sidings) signposted from the A469 as 'Morgan Street Works' (MSW).

Due to the topography of the wider site, with an embankment sloping down towards the railway line, the application site lies 3m lower than the adjacent buildings, such that the area is largely concealed by the massing of the remaining MSW buildings. As discussed within the DAS the site lies above a coal seam, proximate to a soil tip, active railway line, segregated industrial use units (other MSW buildings and Graddfa Industrial Estate, Colliery Road) such that the use of this land is highly constrained. At the time of the officer visit it was apparent that the site has been subject to illegal fly-tipping, burning of materials, storage of scrap and what appears to be unlawful caravanning/residential occupation, overall with extremely poor visual amenity. Appropriate development of this site would be favoured in order to deter these activities and allow the Local Planning Authority to have reasonable control over the character of the land.

By means of providing a background to this application, the applicant was provided with pre-application advice reference SPA/22/0074 on 25.08.2022. Initial consultee responses as part of the provisional LDP candidate site assessment highlighted that the site is suitable for industry (Environmental Health Manager), can be supported providing all existing wildlife corridors are retained, highway access is satisfactory and there are



likely limited ecological objections providing the relevant surveys are submitted. Likewise, the development would accord with strategic objectives given it demonstrates urban containment and sustainable growth with limited countryside impacts. Concluding remarks indicate that any succeeding application would be considered favourably providing all relevant LDP policy objectives are met.

Self-storage centres are classified as a Class B8 (storage and distribution) use for planning purposes. The clear benefit of a self-storage facility, over and above a conventional warehouse (Class B8) use, is its low levels of activity, resulting in negligible effects in terms of matters such as noise, smoke, smell and traffic generation. The proposal presents a modern self-storage centre that will cater chiefly for private domestic users and likely appeal to small local businesses. As discussed within the DAS Visits to self-storage centres of this scale/nature are, for the most part, by small vehicles (car and/or vans) with a small proportion of larger vehicles expected, such as removal vans/tippers.

The proposal comprises the siting of 35 No. storage containers or cabins measuring 6.10m (l) x 2.40m (w) and 2.40m (h) with front openings within a secure compound. The applicant has not clarified the materials of the containers; however these details could be secured via planning conditions, in addition to a scheme for suitable hard surfacing and/or a landscaping scheme and any drainage features etc. The enclosure will be constructed with steel palisade fencing with a trident topping in a silver galvanised finish, with matching security gates. Access will be strictly controlled (i.e via use of PIN system) with set hours of operation, which may be subject to regulation via planning condition(s). An existing stone retaining wall to the southeast of the site will be preserved supporting higher land at the site of the adjacent building with the overall composition and physicality of the site largely unchanged.

An access to accommodate ingress and egress with varying widths of 6.0m to 8.0m at apex of the corner will adjoin the existing limits of the highway at the section adjacent to the northern boundary of the established car park serving Llanbradach Community Centre. It is noted this access is pre-existing (detailed as a track on historic mapping), requiring renewed overlay/surfacing with capability of accommodating two-way traffic. Vehicles will be able to manoeuvre within the site within a defined turning head, with parking bays serving a set number of containers; a maximum of 10 No. vehicles accommodated in static positions at any given time. Clients will be able to access the compound, reside alongside the allocated unit to offload goods and turn as such to emerge from the site in a forward gear.

Policy SP5 of the LDP seeks to define settlement boundaries in order to: A) Define the area within which development would normally be allowed, taking into account material planning considerations B) Promote the full and effective use of urban land and thus concentrate development within settlements. In this instance the site is located with the local settlement of Llanbradach on land with an established B1/B2 use. In that respect the principle of the development in this location is acceptable subject to all other material planning considerations and compliance with other prevailing LDP policies.

The submitted DAS presents an analysis of the 'social need' for self-storage and presents an argument for the suitability of this site given its historic use and setting. It is considered that the facility will present a beneficial use/service to the local community and rejuvenate a brownfield site, certainly in favour of allowing this area of land to further deteriorate. LDP Policy SP6 seeks to secure developments that contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features, specifying that these must present an efficient use of land with an appropriate mix of uses that reflect the role and function of settlements. Policy sub text (para 1.65) highlights, "The LDP Strategy seeks to ensure that sustainable places are created that... meet the needs of current and future residents and... the enhancement of natural heritage". Given the site context, the most suitable use would be that of a continued B-class use, in conjunction with a use/scheme that assists in managing the visual amenity of this site such that the streetscene is positively enhanced.

On that note, the site is partially visible from public vantage points along the northern limits of Morgan street (at points where terraced building lines terminate) and from areas of surrounding open space to the southeast of the red-line boundary. Primary views would be across the preceding section of access track, with the compound concealed from sight by the massing of the adjacent, elevated buildings. By means of character as a 'track' this area would be unchanged if anything improved. Limited glimpses of the development would be possible through openings in vegetation from the lower lying railway line and across from Colliery Road, although these vistas are long-range. The wider streetscene comprises multiple grassy verges accommodating mature trees with a dense hedge line along the southern boundary shared with the rear of the community centre carpark. Vegetation, likely some evergreen provides a good level of screening. The community centre itself has little architectural merit, a large flat-roofed structure completed in part corrugated sheeting and render with an industrial feel. The residential areas set along the eastern/principal section of Morgan Street are characterised by traditional terraced properties. Given the isolation of the site some 120 yards away from these properties and its concealment from the recognised 'public realm' there are no impacts upon the visual amenity of the wider area and a great improvement on that of the existing site.

LDP Policy CW2 stipulates that development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

- A) There is no unacceptable impact on the amenity of adjacent properties or land,
- B) The proposal would not result in overdevelopment of the site and / or its surroundings and
- C) The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use.

The nearest residential street is Morgan Street which is around 105m from the proposed container site, with properties to the east some 140m from the closest site boundary with a large area of intervening open space. The closest end-of terrace dwelling (No. 9 Morgan Street) features a side-on elevation to the community centre and access, with

its rear curtilage spanning north-easterly, in juxtaposition to the format of the application site which extends to the far northwest. The separation distance between these sites is significant. In any case the existing buildings provide a significant physical barrier between the development and the terrace in addition to the extent of open, profoundly landscaped areas. The neighbouring buildings are still subject to lawful B-Class usage as such the adjoining land-uses are unified in that respect.

Clients using this facility would notably attend infrequently, with longer dwell times on days of first occupation/use of a unit and when vacating items. The DAS outlines that access times would be limited to the hours of 6:00am to 10:00pm, however, there would be scope to control the hours of operation via planning condition. Operational vehicles will be restricted to the class for a light van (i.e. under 3.5T). In any event, the self-storage operation is different to a typical warehouse use, and by its nature would constitute a passive use, notably in relation to the number and nature of traffic movements, as would be expected in a single day and/or across a week. Additionally, levels of noise, vibration and disturbance within a self-storage centre is minimal, certainly compared to a conventional warehouse or a general industrial building. In the same vein, traffic generation is significantly lower than an alternative B-Class use and to that of the adjacent community centre. The DAS notes "even when based on double the traffic flows determined from industry statistics, the facility is expected to generate perhaps two or three vehicles per day of traffic."

With respect to minimising other impacts (notably from light pollution), the applicant outlines how the unadopted road will have white painted boards on its verges so that a car's headlights will illuminate the route, eliminating the need for artificial lighting. Night vision CCTV cameras that do not require additional lighting will be used with Low-level Security lighting whilst motion detectors will be used within the container compound. Lighting will only be activated when authorised people are onsite. A PIN number or other similar system will be used to prevent false triggering by animals or unauthorised visitors. Given the above, there would be no unacceptable harm to residential amenity in accordance with the objections of policy CW2.

The Councils Estates Manager notes that part of the application site as denoted by the red-line boundary on Site Location Plan (22-018/P/01), Block Plan 22-107/P/02 resides on land owned by CCBC. The red-line embraces the limits of the existing access track only and is not included in the Container compound, of which the limits of the site area is shown on plan 'Proposed Storage Yard' Drawing No. 22-107/P/04- Rev B. The Councils Highways Inspector has confirmed that the highway to the side of No. 9 Morgan Street is adopted, however the road leading to Morgan Street works is not adopted by CCBC.

Whilst the law on the maintenance and adoption of private roads is highly complex, by definition, a private or unadopted road is one which is not maintainable at public expense and therefore the Relevant Authority is under no obligation to meet the cost for the management or maintenance of such road. The responsibility for these costs' would rest with the landowner in the absence of any other party who wish to accept liability for

the upkeep of the road. The applicant proposes to do just that, in order to facilitate the development, however, does not proposed any developments on CCBC land. Therefore, this would be a private matter for the applicant to discuss with CCBC Estates/Property Division; or they should make an application to purchase the land. On this basis, Property Services raise a precautionary objection. Nevertheless, as stated above, this is a private matter between the two parties and as such it has no relevance on the determination of this application.

LDP Policy CW3 presents a set of criteria A-D to ensure development proposals have regard for the safe, effective, and efficient use of the transportation network and new access roads are designed as such to i) Promote the interests of pedestrians, cyclists and public transport before that of the private car, and ii) Safely and effectively accommodates the scale and nature of traffic, which those roads are intended to serve. In line with overarching strategic Policy SP21, parking, appropriate servicing and operational space must be provided in accordance with the CSS Wales Parking Standards 2008 dependent.

As presented within the DAS "The Self-Storage Association (SSA) undertook a large survey covering all sectors and geographical locations of user behaviour. They found that 12% of those storing items visited once a week and only 10% visited twice a week or more. The bulk of users, some 78%, visited once a month or less. This translates to less than two vehicles per day on average." According to data presented in SSA's 2022 Self Storage Annual Report a total of 75% of customers visit their unit once a month or less, 7% more than once a week and 3% more than once a day. The traffic impacts would be negligible and certainly less than in former years given the historic use of the site. The site comprises an on-site turning facility and parking for clients, in conjunction with an access capable of two-way traffic. The councils Transportation Engineering Manager raises no objection to the proposal, advising "In terms of traffic generation to the site, this would be deemed acceptable given the Local Planning Authority's stance that the application site already has the benefit of an extant industrial use". The site comfortably accommodates areas for parking (including, unloading bays for each individual unit) a turning point and suitable access.

In conclusion, the principle of re-using derelict, brownfield land for a Class B8 use in the context of the site and wider area is entirely in accordance with all strands of planning policy. Planning Policy Wales (PPW) includes a presumption in favour of sustainable development. Furthermore, the proposals are able to satisfy the relevant policy of the LDP. As well as being in accordance with policy, the application proposals will not harm the character of the area, give rise to no undue impacts upon residential amenity nor will they give rise to any highway concerns. The application is recommended for APPROVAL, subject to planning conditions.

Comments from Consultees: Comments from the Councils Estates Manager and Transportation Engineering Manager (TEM) have been discussed within the main body of the report. The Councils Environmental Health Manager and Senior Arboricultural

Officer raise no objections to the proposal. There are no objections from external consultees.

Comments from public: All objection Comments presented within 'Summary of Observations' section of this report are addressed in turn below:

1. Increase in volume of traffic: The use is considered passive (as discussed within the report) and is unlikely to generate any significant levels of traffic that would affect the safety of the Highway (Morgan Street), notably in comparison to other B-class uses and historic land-uses.
2. Access is via a small residential road that does not have enough parking at present and is in a poor state of repair: Parking will not be affected by the development. The site comfortably accommodates parking for clients, with additional parking bays for other visitors and/or staff, a turning head and access capable of two-way traffic.
3. Infrastructure not suitable for lorries: HGVs would not be frequenting this site as discussed within the officer report. Planning conditions can be applied to prevent access for lorries or HGVs. Notwithstanding this, there are no controls preventing HGV's from accessing the remainder of Morgan Street Works for existing lawful uses on the site. In that regard, any controls implemented here would be an improvement on the existing situation.
4. Hours of 6.00am to 10.00pm are not acceptable and will impact residential amenity; like living in an industrial estate: The councils Head of Public Protection has raised no objections to the hours of operation, regardless these hours can be controlled via planning condition. Given the nature of the use and geographical separation between the site and neighbouring residential dwellings there is unlikely to be any noise disturbances or pollution. Again, it should be noted that the site is part of a wider industrial estate with a lawful use and as such the proposed use is considered to be less intensive than that which can occur at present.
5. What will be stored here; could it be flammables or other substances that residents need to know of? This is not a planning matter. The landowner and or operator of the facility would be responsible for ensuring that any goods stored within the site and recorded and managed as per UK law. Current legislation/law depicts regulations for storage buildings, contracts, and insurance details, many of which have been set out by the UK Self Storage Association. The applicant proposes to monitor the site using CCTV and alarm systems and would be expected to comply with Fire, Asbestos and Health and Safety regulations with clear signage within the compound addressing the requirements.
6. Detriment to nature by means of adverse impacts on surrounding fields: The current biodiversity and ecology of the site is poor, with the development presenting no impacts upon surrounding habitats.

7. Daily fires are causing black smoke in the area: This issue would be remedied by enabling the re-development of the site.

8. Negative impacts on mental health of neighbouring residents as a result of all the above: The impacts upon residential amenity have been discussed within the main body of the report with regard to LDP Policy CW2.

Gelligaer Community Council, Llanbradach & Pwllypant Community Council:

Llanbradach is a small quiet village within Caerphilly Borough, mostly residential. Expansion of Caerphilly Skip Hire has also had a detrimental impact on village life, with operations starting at 05:00 giving rise to noise disturbance: The application site is not linked with the operations at the adjacent site of Caerphilly Skips, but in any case the nature of two businesses are entirely different. The impacts upon residential amenity with respect to noise disturbances have been discussed within the officer report.

Storage site in Llanbradach will increase noise, dust and traffic. The highway cannot cope with the increased volume of traffic of HGVs in an already congested residential area with road surfaces impacted: These concerns have been addressed within the officer report in respect of LDP Policies SP6 (Placemaking), CW2 (Amenity) and CW3 (Design Considerations: Highways).

All surrounding residents will be affected by the development during construction works with disturbing vibrations: The storage containers are sited above ground and in any other circumstances are typically considered 'temporary' structures in that no excavations are required. The principal works comprise over ground development in the form of resurfacing/hard surfacing areas and erection of fencing. It would be expected that works would be completed in a relatively short period of time opposed to other forms of development; i.e. building of residential dwellings.

Community centre widely used by young people who use the car park for ball games etc. and an area enjoyed by dog walkers, these uses will be impacted: These activities would not be prevented or restricted by the development.

The containers are too close to railway line as reported by Transport for Wales: Transport for Wales have raised no objection to the proposal at this time and simply advise "due to the proposal being next to AIW managed infrastructure, prior to any works beginning on site the applicant will need to engage with AIW Asset Protection so that AIW are able to determine the interface with any assets, buried or otherwise and by entering into a Basis Asset Protection Agreement." This is a private matter between the relevant parties.

The site/fencing encroaches onto land not in their ownership: Part of the application site comprises CCBC owned land. The applicant does not propose to develop this land, but rather intends to maintain a section of the unadopted highway subject to an agreement with CCBC highways Division and or the CCBC Estates Department.

There are issues with Dwr Cymru/Welsh Water: Dwr Cymru/Welsh Water raise no objections to the proposal and connection to any water/sewage networks would be a private matter.

It will adversely affect the future Park & Ride: It is noted that the LDP includes an allocation on the adjacent land for a new park and ride facility for Llanbradach. This is an aspirational allocation within the plan and a defined area for the new facility has not been established. The application site is privately owned and it should also be noted that the proposed development is relatively temporary in nature having regard for the fact that there is very little built development (the erection of fencing) and is reversible should this land be required in the future. As such it would not be reasonable to refuse this application on the basis that it would prejudice the provision of improved park and ride facilities.

Other material considerations: With respect to the Town and Country Planning (Use Classes) Order 1987 (as amended), the application has been considered on the basis that the building will be used for storage. There is a permitted change of use from Class B8 to B1, and whilst a B1 use would be acceptable in principle, subject that it remains tied to the existing land/buildings use, it would require further justification and consideration in regard to the impacts upon residential amenity, parking and highway safety. On that basis it is appropriate to control this use via the imposition of a suitable planning condition.

The duty to improve the economic, social, environmental, and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

**RECOMMENDATION** that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan Drwg No. 22-107/P/02-B, received 24/02/23 Block Plan, Drwg No. 22-107/P/02-A, received 07/12/22; Proposed Plan, Drwg No. 22-107/P/04-B, received 07/12/22.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The premises shall only be used for B8 Use Class (Storage) purposes as defined by the Town and Country Planning (Use Classes) Order 1987, or as defined by any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, without the approval of the Local Planning Authority.  
REASON: In order to retain control over the future use of the site interests of the residential amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format 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.  
REASON: In the interests of the visual amenity of the area.
- 05) Use of the proposed storage containers shall not commence until the areas shown for the parking and turning of vehicles within the site curtilage have been laid out in accordance with the submitted plans, and those areas shall not thereafter be used for any purposes other than the parking and turning of vehicles.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Access the storage containers and associated compound hereby approved shall be limited to vehicles no larger than light vans (vehicles under 3.5t), as stipulated in the submitted Design and Access Statement.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) The first 10m of the proposed access road (from its junction with the adopted Highway adjacent to the Community Centre car park entrance) shall be completed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, to ensure loose stones or mud etc. is not carried on to the public highway.



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

Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water; that are brought to the applicant's attention.

Due to the proposal being next to AWW managed infrastructure, prior to any works beginning on site the applicant will need to engage with AWW Asset Protection so that AWW are able to determine the interface with any assets, buried or otherwise and by entering into a Basis Asset Protection Agreement.

The applicant should make contact a minimum of 3 months prior to works starting. Initially the outside party should contact [CVLAssetProtection@tfwrail.wales](mailto:CVLAssetProtection@tfwrail.wales)

Please find attached the comments of CCBC Senior Engineer (Drainage); that are brought to the applicant's attention.

**WARNING: SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.**

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 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)

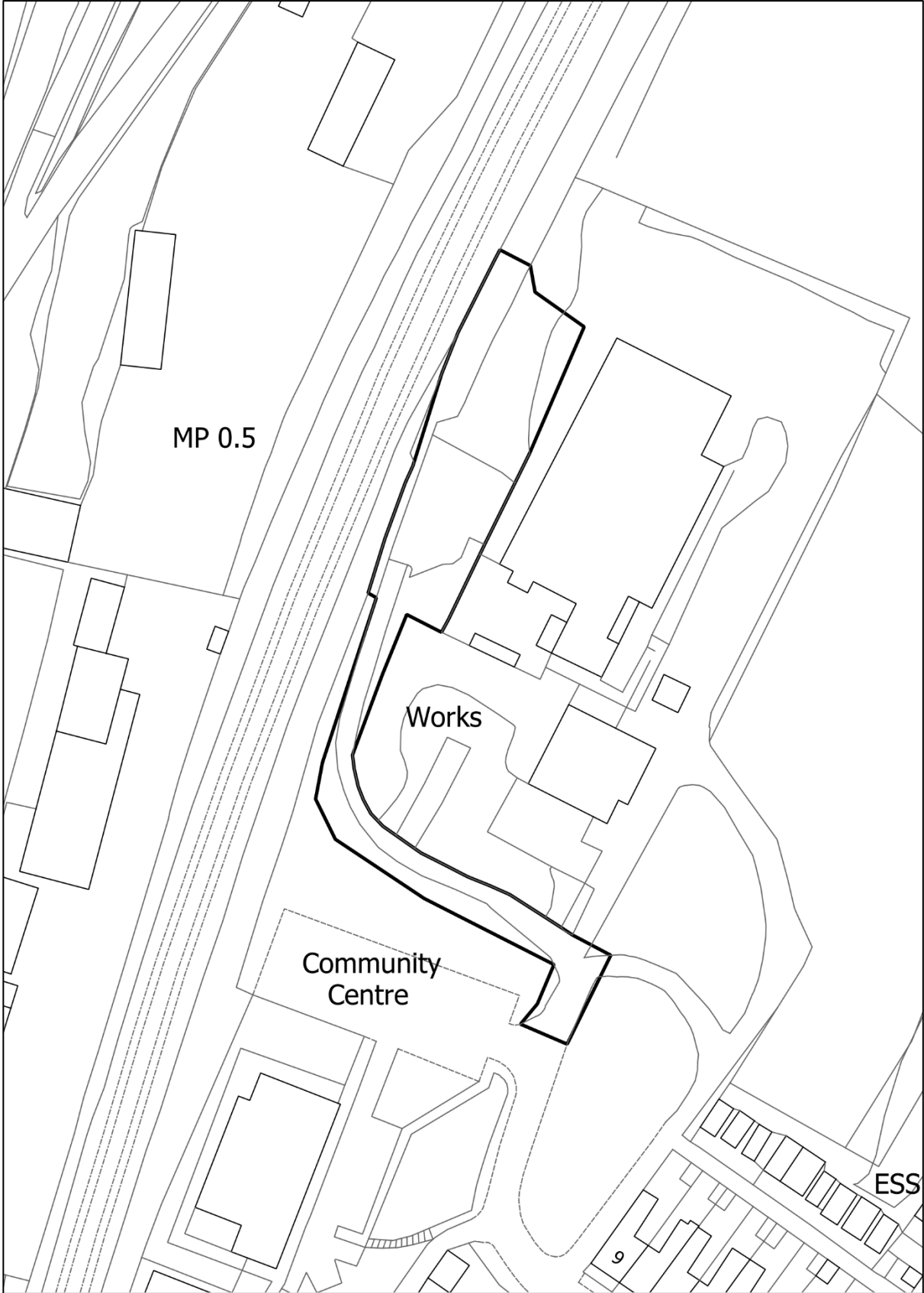
Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

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 at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

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.

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), 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. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).



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**Application Number:** 22/0994/LA.

**Date Received:** 06.12.2022.

**Applicant:** CCBC.

**Description and Location of Development:** Change the use of former comprehensive school to a vulnerable learners facility, demolish existing building and erect sports hall with MUGA and associated external works - Pontllanfraith Comprehensive School Coed-Cae-Ddu Road Pontllanfraith Blackwood NP12 2YB.

**APPLICATION TYPE:** Local Authority Application.

## SITE AND DEVELOPMENT

Location: The application site is located on Coed-Cae-Ddu Road, Pontllanfraith. Blackwood Road (B4251) runs along the north-eastern boundary at a lower level and provides direct vehicular access to the site via Penllwyn Lane along the southern boundary and Brynhyfryd Street along the northern boundary.

Site description: Former Comprehensive School, sports hall, outdoor tennis courts and associated grounds. Pontllanfraith Leisure Centre and its associated outdoor pitch along with Libanus playing fields (LE 1.10) are located to the north-west of the site with Penllwyn Woodlands (NH 3.75), a Site of Importance for Nature Conservation (SINC) beyond. Residential properties are located to the north along with the wider area immediately surrounding the site comprising of residential properties. To the east of the site beyond the B4251 is the Sir Harold Finch Memorial Park with residential development currently under construction on the site of the former Pontllanfraith Offices with Pontllanfraith Health Centre immediately adjacent to it.

Development: Full planning permission is sought to change the use of former comprehensive school to a vulnerable learners facility, demolish existing building and erect sports hall with Multi Use Games Area (MUGA) and associated external works.

Dimensions: The sports hall has a maximum footprint measuring 27.07 metres wide by 28.44 metres long with a height of 8.91 metres to the eaves and 10.39 metres to the ridge.

The Multi Use Games Area (MUGA) measures 30 metres wide by 40 metres long.

The planning application and related plans are supported with the following documents:

Pre-Application Consultation (PAC) Report;  
Design and Access Statement;  
Geo-Environmental and Geotechnical Assessment;  
Acoustic Design Report;

Transport Statement;  
Pre-Development BS5837 Tree Survey Report;  
Tree Constraints Plan;  
Drainage Statement and Layout Plan;  
Landscape Proposals Plan; and  
3D Visualisations.

Materials: The external finishes comprise of a combination of facing brickwork, rock panel wall cladding and profiled metal cladding for the walls, metal standing seam and grp roof sheets together with a combination of aluminium and steel windows, doors, louvres, fascias, soffits and rainwater goods.

Ancillary development, e.g. parking: The following works are proposed:-

Internal re-configuration of the existing school building.

Two relatively small extensions are proposed to the former grammar school building of which comprise a storage and an entrance lobby to the main Assembly Hall on the south-eastern elevation and a new plant room on the north-western elevation.

The storage and entrance lobby measures 8.13 metres wide by 2.62 metres long with an overall height measuring 2.95 metres.

The plant room measures 6.78 metres wide by 3.72 metres long with a height of 8.91 metres to the eaves and 10.39 metres to the ridge.

Over cladding of existing classroom extensions to match external finishes of the new small extensions.

The installation of 2 x projecting roof lanterns on the north-eastern and south western roof planes.

Re-configuration of the existing vehicular entrance to the former school.

New outdoor recreation areas on the upper and lower terraces of the former school building to provide covered seating areas, outdoor dining furniture and outdoor teaching areas.

Hard and soft landscaping to include ramped and stepped access across the upper and lower plateaus with green retaining walls, raised planting beds, wild flower, perennial and grassed embankments together with new native hedging and trees.

Re-configuration of the existing staff car parking area accessed from Brynhyfyd Street on the upper plateau to provide 23 staff and visitor parking spaces.

Re-instate the vehicular access on the lower plateau from Penllwyn Lane with 6.0 metres wide internal access roads to provide a one-way drop off route, access to the sports hall along, access to 2 x separate areas providing a further 23 staff and visitor parking spaces, including 3 x mobility impaired spaces and 5 x spaces equipped with electric vehicle charging points along with designated motorcycle bays and covered bicycle stores.

PLANNING HISTORY 2010 TO PRESENT 13/0701/LA - Locate an external insulated cabin to serve food to pupils to include shelter in the form of sails - Granted 26.09.2013.

17/0840/NOTD - Demolish all school buildings - Granted 25.10.2017.

## POLICY

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

Site Allocation: The site is located within the settlement boundary of Blackwood.

Policies: SP2 (Development Strategy - Development in the Northern Connections Corridor (NCC)), SP4 (Settlement Strategy), Policy SP5 (Settlement Boundaries), Policy SP6 (Place Making), SP10 (Conservation of Natural Heritage), SP18 (Protection of Strategic Leisure Network), SP21 Parking Standards), SP22 (Community, Leisure and Education Facilities), CW1 (Sustainable Transport Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design Considerations - Highways), CW5 (Protection of the Water Environment), CW6 (Trees, Woodland and Hedgerow Protection), CW8 (Protection of Community and Leisure Facilities) and CW15 (General Locational Constraints).

NATIONAL POLICY Future Wales: The National Plan 2040 (2021), Planning Policy Wales Edition 11 (2021), Technical Advice Note 5: Nature Conservation and Planning (2009), Technical Advice Note 11: Noise (October 1997), Technical Advice Note 12: Design (2016), Technical Advice Note 16: Sport, Recreation and Open Space (2009) and Technical Advice Note 18: Transport (2007).

## ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

## COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within a high risk area and the application is accompanied by a Geo-Environmental and Geotechnical Assessment which has been reviewed by The Coal Authority.

## CONSULTATION

Transportation Engineering Manager - Having reviewed the submitted documentation which includes Dwg No. P002 Proposed Site Layout Rev B and JNY11347-01a Transport Statement dated 08 October 2022 prepared by RPS022, the Highway Authority raises no objection subject to conditions imposed to any consent. Informal advice is also provided regarding the planned access points and the requirement to obtain the necessary require licences/agreement.

Chief Fire Officer - No comments received.

Ecologist - No objection subject to securing biodiversity enhancement provision within the site.

The Coal Authority - No objection raised.

Environmental Health Manager - No objection subject to conditions.

Heritage And Placemaking Officer - No comments received.

Senior Engineer (Drainage) - No comments received.

Senior Arboricultural Officer (Trees) - No comments received.

Parks And Countryside Operations Manager - No comments received.

Estates Manager - No adverse comments offered.

Waste Strategy and Operations Manager - No objection subject to sufficient refuse, recycling and food caddy storage being placed within easy access at an agreed collection point.

21st Century Schools Manager - No objection in that there will be no impact on pupil numbers.

Landscape Architect - No objection subject to conditions.

Dwr Cymru/Welsh Water - No objection however informative advice is provided.

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

## ADVERTISEMENT



Extent of advertisement: The application was advertised in the press, by way of two site notices and seventeen properties were notified by letter.

Response: None.

Summary of observations: Not applicable.

## SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

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? Yes the presence of European protected species have been identified by a survey and common pipistrelles were seen emerging from within and adjacent to the site. In such instances the Local Authority must apply the following three tests to the planning application:

- (i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- (ii) There is no satisfactory alternative.
- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The three tests have been applied and answered as follows:

- (i) There are overriding economic, educational and social reasons to re-utilise the former school building and its associated grounds by demolishing the freestanding former gym building in that the current accommodation is not fit for purpose to meet the special education needs of vulnerable pupils within the County Borough.
- ii) An alternative proposal for the building would be to do nothing and allow the vacant buildings to fall into disrepair that would prevent future re-use of the site. Furthermore, it should be noted that prior approval (planning reference 17/0840/NOTD) has previously been granted to demolish all school buildings on the site and the survey to accompany that application confirmed the presence of bat roosts and the Council's Ecologist was content with the Method/Mitigation Statement to mitigate for the loss of those identified roosts. There is no other satisfactory alternative.

(iii) The surveys of the site confirmed the presence of bat droppings and the emergence and re-entry of common pipistrelle bats to buildings across the site. A detailed Method Statement of works will be submitted for the entire project and will minimise any impact on the bats providing adequate mitigation for any loss. The favourable conservation status of the species is therefore unlikely to be affected by this development in that any mitigation sought will maintain and enhance the roosting opportunities for common pipistrelle species at this location.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes the development is CIL liable as the proposal intends to create more than 100 square metres of additional floor space. However, the proposed uses are charged at £0 per square metre for new development, as such no CIL will be collected.

### ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance. By way of background context to assist in the consideration of this application the development proposals are part of the wider 21st Century Schools Programme across Wales, where the Council has developed a rationalisation programme to remove unwanted surplus places in the Authority and to improve the existing building stock to enhance provision.

The aims of the development and the 21st Century School programme are to:-

Raise standards and improve the quality of learning environment to create a fit-for-purpose 21st Century School;

Provide a learning environment for children and young people in Wales that will enable the implementation of strategies for school improvement and better educational outcomes;

Reduce inequalities in achievement between advantaged and disadvantaged areas, groups and individuals; and

To provide a sustainable education system through better use of resources to improve the efficiency and cost-effectiveness of the education estate which will enhance local public service provision together with reducing recurring costs, energy consumption and carbon emissions.

Full planning permission is sought to change the use of former comprehensive school to a vulnerable learner's facility, demolish the existing building and erect a sports hall with Multi Use Games Area (MUGA) and associated external works. Collectively, the proposed works to the existing school building will provide ten teaching spaces, along with smaller group rooms, a meeting room, staff room, main hall, teaching kitchen and

Café. Furthermore, the proposed Sports Hall building will provide a 4 court sports hall with associated changing room facilities in addition to the outdoor MUGA. The aim of the proposal is to provide a pupil referral unit to support between 80 -120 vulnerable Key Stage 3/4 learners within the County Borough through specialised high quality classrooms, specialist intervention areas, on-site indoor and outdoor leisure and recreational provision that would be available for community use outside of school hours.

The main considerations in the determination of this application are:

The principle of development on the site;  
The impact upon trees;  
The impact upon ecology;  
The suitability of the site for after school hour's leisure provision;  
The visual impact of the development;  
The impact upon residential amenity; and  
The impact upon the highway network.

#### THE PRINCIPLE OF DEVELOPMENT ON THE SITE

The application site is a former education school site located in the Northern Connections Corridor. Policy SP5 (Settlement Boundaries) is the key policy mechanism for achieving resource efficient settlements within the Local Development Plan (LDP). The delineation of the settlement boundary defines the area within which development would normally be allowed, taking into account material planning considerations. Importantly it promotes the full and effective use of urban land and concentrates development within existing settlements. The application site falls within the defined settlement boundary of Blackwood and is immediately adjacent to Libanus playing fields (LE 1.10) and the residential properties of Brynhyfyd Street to the north of the site. In policy terms re-development of the site would be consistent with Policy SP5 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted 2010 in that it promotes the full and effective use of urban land and serves to concentrate new development within the existing settlement.

Policy SP2 (Development Strategy in the Northern Connections Corridor (NCC) requires development proposals within the NCC to promote sustainable development. Specifically proposals in this area should be targeted to both greenfield and brownfield sites having regard to the social and economic functions of the area; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; and protect the natural heritage from inappropriate forms of development. The proposed development seeks to re-use brownfield land within a highly sustainable location and therefore accords with policy SP2.

Policy SP4 (Settlement Strategy) defines the settlement hierarchy for towns and villages across the county borough and identifies those areas where development would be supported and enhanced based on the specified role and function of a particular area.

The Strategy seeks to concentrate new development to respond appropriately to the economic, social and environmental needs of individual settlements and thus settlement boundaries are identified accordingly to indicate the potential areas where development is likely to be permitted. Pontllanfraith is identified as a residential area and the application site meets the definition of previously developed land (also referred to as brownfield) as set out in Planning Policy Wales (PPW).

In settlements, brownfield land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. Policy SP2 also requires that new proposals reduce car borne trips by promoting sustainable modes of travel and make the most efficient use of existing infrastructure. Chapter 4 of PPW covers the theme of active and social places. With respect to transport the planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport.

The site is within walking distance of a number of local facilities including community, education, health services, formal leisure provision, recreational spaces together with a number of retail stores and a small food supermarket. There is a north bound bus stop located on High Street (B4251) approximately 95 metres to the east of the site and a south bound bus stop on High Street approximately 130 metres to the south-east with the bus stops providing access to Blackwood, Pontllanfraith, Newbridge, Ystrad Mynach rail station, Ystrad Mynach, Caerphilly, Pontypridd, Nelson, Gelligaer and Cefn Hengoed.

#### THE IMPACT UPON EXISTING TREES WITHIN THE SITE

Criterion D of Policy SP2 seeks to protect the natural heritage from inappropriate development. In tandem with criterion D of Policy SP2, Policy SP10 (Conservation of Natural Heritage) is of relevance and indicates that the Council will protect, conserve, enhance and manage this asset in the consideration of all development proposals. The native trees and planting around the eastern, northern and southern perimeters of the site make a positive contribution to the built environment and enhances the character of the area as well as providing a significant amount of screening together with offering substantial environmental benefits.

Policy CW6 (Trees, Woodland and Hedgerow Protection) therefore requires proposals to ensure that effective measures are taken to ensure the protection of seeks to protect trees, woodland and hedgerows where they make a positive contribution to the natural and built environment. More specifically, the policy requires reasonable efforts to retain trees, woodlands and hedgerows as part of development proposals; arboricultural surveys to provide adequate mitigation and compensation for any that are removed; and adequate protection measures for root systems of any that are retained. In that regard the proposed layout has been designed to minimise the loss of existing trees and hedgerows within the site. The submitted Arboricultural Survey Report to accompany the application identifies that six tree trees will require works comprising of cutting back

epicormic shoots or reductions to minimise the end weight of loaded limbs but five trees namely 3 category C trees (1 x Goat Willow and 2 x Silver Birch) and 2 category U trees (1 x Pink Hawthorn and 1 x Ash) would need to be removed. The proposed development therefore seeks to retain the majority of existing trees and planting within the site and replacement semi-mature mitigation tree planting is also proposed. Subject to the imposition of a condition to secure adequate protection for existing trees to be retained within the site during the construction phase of the development, the proposal complies with Policy CW6.

In terms of landscaping, the existing site predominantly comprises of hard surfacing with limited areas of soft landscaping. The proposed development seeks to enhance the existing landscaping with additional native hedgerow and shrub planting. The grassed embankments will also be planted with species rich planting for pollinators as well as incorporating a swale which takes advantage of the sloping ground within the site. It is therefore considered that a suitable approach has been taken to landscaping and biodiversity with retention of trees where possible as well as enhancement of the biodiversity opportunities within the site and no objection is raised by this Council's Landscape Officer subject to the review of a detailed planting scheme to be submitted and agreed. This can be adequately controlled by way condition.

#### THE IMPACT UPON ECOLOGY

Alongside Policies SP2, SP10 and CW6, Policy CW4 states that development proposals must conserve, and where appropriate, enhance the ecological importance of local designations, or, where the need for the development outweighs the ecological importance of the site, the harm must be minimised by mitigation measures and offset as far as practicable by compensation measures. The site is not covered by any statutory or non-statutory nature conservation designations however SINC's Penllwyn Woodlands (NH 3.75) and River Sirhowy (NH 3.11) are within 118 metres and 340 metres of the site boundary.

An Ecological Impact Assessment Report (EIA) and Dusk Emergence and Dawn Re-entry Survey Report have been submitted to accompany the application and based on the surveys undertaken. The reports confirm the presence of bat roosts within the buildings for low numbers of common pipistrelle bats together with any on-site established trees having the potential to provide natural commuting habitats and foraging opportunities for protected species. The reports contain a number of recommendations in relation to bats, breeding birds, mammals and reptiles which, if implemented as part of the proposed development, would prevent any long-term impacts upon key protected species and habitats present or adjacent to the site. Given the presence of confirmed bat roosts within the site, further survey work is also required along with the requirement to obtain a European Protected Species (EPS) Licence from Natural Resources Wales (NRW). The Council's Ecologist has raised no objection subject to securing a number of ecological enhancements and mitigation measures by imposing a biodiversity strategy related condition to any permission. It is therefore

considered that the proposed development would comply with the requirements of Policies SP10 and CW4.

## THE SUITABILITY OF THE SITE FOR AFTER SCHOOL HOURS LEISURE PROVISION

It should be noted that whilst planning permission is sought to change the use of the school to a vulnerable learner's facility, in land use terms there is no change of use to the former grammar school building and it would still remain as an educational institution.

The proposed sports hall building and outdoor MUGA will serve the recreational needs of the vulnerable learners in attendance at the school but would also be available for community use outside of school hours. The leisure facilities proposed as part of this application are not linked to Pontllanfraith Leisure Centre located on a wider part of the site and the proposals are not seeking to replace any existing facilities currently offered by the leisure centre but instead provide additional facilities to the school itself with those facilities being made available outside of school hours for community use. The proposed on-site leisure provision would therefore deliver appropriate and fit for purpose physical activity, teaching and recreational spaces as well as contributing to the community sport and active recreation.

This is further reinforced in the Council's Sport and Active Recreation Strategy (2019-2029) and is directly linked to the Council's Wellbeing Objectives, its strategic priorities, as set out in the Corporate Plan (2018-2023) and follows on from the first phase of the Council's 21st Century Schools Programme (2014-2019) whereby over £56 million has been invested in schools to improve facilities, including the new Islwyn High School to replace the school site the subject of this application, Pontllanfraith Comprehensive School along with Oakdale Comprehensive School. The Council's approach on new school sites is to provide new sport and physical activity spaces and support delivery of maximising availability of all school leisure facilities for community uses outside of school hours. In that regard the proposed on-site leisure provision accords with the following Well-being Objectives as set out in the Team Caerphilly Better Together Corporate Plan (2018-2023):

Objective 1 - Improve education opportunities for all; and  
Objective 5 - Creating a county borough that supports a healthy lifestyle in accordance with the Sustainable Development Principle within the Well-being of Future Generations (Wales) Act 2015.

Whilst the proposed development will provide additional facilities for the community outside of school hours it should be noted that Policy CW8 (Protection of Community and Leisure Facilities) would provide adequate protection to these leisure facilities in the future given their importance from a health, social, educational and economic well-being perspective to the local community.

## THE VISUAL IMPACT OF THE DEVELOPMENT

In line with national planning policy, SP6 (Place Making) requires development proposals to contribute to the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features. Policy SP6 requires new development to incorporate resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation and where appropriate through the use of Sustainable Urban Drainage Systems (SUDS). In that the proposed development exceeds more than 100 square metres of floor space the development will require SUDs approval. Those technical details will require consideration from the Sustainable Drainage Approval Body (SAB) and is an independent approval process outside of planning legislation. Refurbishment of the former grammar school building and the proposed sports hall seeks to maximise lighting and solar gain opportunities along with the landscaping proposals incorporating sustainable urban drainage features.

In terms of design and appearance two relatively small extensions are proposed to the former grammar school building of which comprise a storage and an entrance lobby to the main Assembly Hall on the south-eastern elevation and a new plant room on the north-western elevation. The extensions are considered subservient to that of the host building and whilst their external finishes appear contemporary for the age and character of the existing building in this instance the external finishes are considered acceptable because they coherently provide a unique identity between the existing former grammar school building and the proposed sports hall building. Further details in respect of external finishes will be required by condition, however it is considered that the contemporary character of the school extensions would not detract from the character and appearance of the local area.

Access within the site between the existing former grammar school building and the proposed sports hall and outdoor MUGA will be achieved via a ramped path and stepped access. With regards to the design and character of the proposed sports hall the proposed building is highly contemporary. In terms of re-development of the lower plateau the evolution of the design of this building has been undertaken upon a design team basis, with the end user (21st Century Schools) being involved from the outset to ensure that those using the building consider it will function relative to their needs and provide practical usable arrangement of spaces and operational requirements of re-introducing on-site educational facilities and after school community leisure provision on site together with a desire to produce a betterment in terms of previous parking and access provision serving the former school site.

The proposed sports hall will replace an existing dilapidated building and shall achieve a BREEAM 'Very Good' rating with an 'Excellent' rating for Energy Conservation and where possible sustainable and natural materials will be used with the overall scale and massing of the building fitting comfortably within the plot. Whilst the external finishes and overall design are considered to be contemporary to that of its surroundings, consideration has been given to how the application of modern materials can

complement the traditional external finishes of the former grammar school building along with the relationship of its siting and visual appearance when viewed and set behind the perimeter trees within the site. It is therefore considered that the design, scale and massing and external materials of the proposed sports hall building would not cause any harm to the character and visual amenity of the wider area and as such accords with Policy SP6.

## THE IMPACT UPON RESIDENTIAL AMENITY

Policy CW2 (Amenity) states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses. In that regard the proposed demonstrates that adequate parking, turning and drop off/ collection points can be provided within the site together with providing areas of soft landscaping and useable outdoor spaces. The proposal is not considered to be over-development and is compatible with surrounding land uses.

In terms of its impact upon residential amenity it should be noted that whilst the use of the site as a Comprehensive School has ceased, in planning terms the use of the site as an educational institution has not been abandoned and as such the nearest neighbours to the south-west, Helson Bungalow, would be largely unaffected by the learning undertaken within the main school building. The introduction of an outdoor MUGA and a one way system would intensify potential noise levels to the rear garden areas of the properties along the southern side of Brynhyfryd Street, however the positioning of the MUGA achieves the required 30 metres minimum separation between the activity zone and the respective rear garden boundaries in accordance with the Fields in Trust Guidance for Outdoor Sport and Play (Wales). Furthermore, there is also an intervening rear lane between the school site and the rear gardens and a robust planting scheme along the northern boundary is also proposed, further details of which will be secured by condition.

In that the use of the MUGA would be available to the community outside of school hours there will be a need to provide adequate lighting facilities within the site. There is limited information to accompany the submission details in respect of lighting and therefore further details of a lighting plan including the design, height and lux levels and cowlings will be required to be submitted for consideration and can be secured by condition to ensure that any lighting to be provided within the site would not give rise to any unacceptable light nuisance to neighbouring residential occupiers. Having regard to the siting and positioning of the proposed sports hall building, no overbearing or overshadowing impacts would arise to any of the nearest residential occupiers. Therefore, subject to conditions to ensure adequate protection is afforded to residential amenity during the construction phase and upon use of the leisure facilities, the proposed development is therefore considered compliant with Policy CW2.

## THE IMPACT UPON THE HIGHWAY NETWORK



Policy CW1 (Sustainable Transport, Accessibility and Social Inclusion) requires development proposals that have the potential to generate a significant number of trips (either as an origin or a destination) to be designed to ensure that car borne trips are kept to a minimum. It is therefore important to ensure that provision is made within the development to actively encourage walking and cycling and that appropriate infrastructure is included in the layout to facilitate short trips on foot. In that regard, no pedestrian highway improvements are required in that students, staff and visitors can gain access on-foot to the school site using the existing footways provided along Penllwyn Lane that continue along the B4251 and Brynhyfryd Street with connectivity within safe and convenient walking distance to bus stops. It is therefore considered that the range of accessible and sustainable travel choices to and from the development site does reduce the need for some staff, a small number of potential students and community users to travel to/from the site by private motor vehicles. Supplementary Planning Guidance LDP5: Car Parking Standards does however set out specific car parking standards and requirements given the potential conflict and congestion issues that arise on the wider area of any school site in terms of dropping off and collecting children, therefore there is a requirement to focus on adequate parking provision and dedicated drop off/collection areas.

Policy CW3 (Design Considerations - Highways) requires development proposals to have regard for the safe, effective and efficient use of the transportation network. The submitted Transport Statement confirms that the refurbishment of the former school building will provide teaching accommodation for up to 120 students and 40 full time equivalent (FTE) staff. A new car park and drop-off area for minibuses and taxis will be provided on the lower plateau adjacent to the proposed sports hall building and MUGA. 46 off-street car parking spaces are also proposed across the site including electrical vehicle charging and cycle parking. The existing eastern vehicular access from Penllwyn Lane will be widened and will be the main vehicular access for students, staff and visitors. The existing western vehicular access from Penllwyn Lane will also be widened and will provide vehicular access for deliveries, refuse collection and also access to the proposed Respite Centre via a one-way route. The vehicular access from Brynhyfryd Street will also be retained and will provide access to a secondary car parking area on the upper plateau for staff and parent parking.

It should also be noted that the majority of students are anticipated to commute initially to/ from school with taxis during both morning and afternoon peak hours. However, over time, the school is planning to develop a mini-bus service that will collect students around the borough. The number of vehicle trips associated with the student collections is not considered to have an adverse impact on the local highway network.

The anticipated number of trips to and from the site for community use outside of school hours is considered to have minimal impact on the surrounding highway network along with there being sufficient on-site parking provision outside of school hours for community users.

The Council's Transportation Engineering Manager has reviewed the supporting information in full and no objection has been raised subject to a number of highway and parking related conditions. The application is therefore considered to be acceptable in highway safety terms and compliant with Policies CW1 and CW3.

## CONCLUSION

In conclusion, the site is previously developed land within the defined settlement boundary of Blackwood on existing education land. The proposed development complies with both local and national planning policies, would provide much needed additional school places for vulnerable school learners within the County Borough along with providing additional leisure facilities available for community use outside of school hours. Having regard to the above observations subject to conditions the proposed development is considered acceptable in planning terms.

Comments from Consultees: No objection raised.

Comments from public: No comments received.

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 hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 02) The development shall be carried out in accordance with the following approved plans and documents:  
Dwg No. P001 Rev A Site Location/Existing Site Layout Plan received on 06.12.2022;  
Dwg No. P002 Proposed Site Layout Rev B received on 09.01.2023;  
Dwg No. P004 Proposed Floor Layouts received on 21.11.2022;  
Dwg No. P005 Proposed Sports Hall Layout received on 21.11.2022;  
Dwg No. P007 Rev B Proposed Elevations received on 06.12.2022;  
Dwg No. P008 Rev A Proposed Sports Hall Elevations received on 21.11.2022;  
Dwg No. 687/01 Sketch Landscape Proposals received on 21.11.2022;  
Dwg No. 220414-PCS-TCP-LI Tree Constraints Plan received on 21.11.2022;  
Pre-Development BS5837 Tree Survey Report dated November 2021 prepared by Broadway Consultancy and received on 21.11.2022;  
Dusk Emergence and Dawn Re-entry Survey Report dated November 2022 prepared by Acer Ecology and received on 07.12.2022;  
JNY11347-01a Transport Statement dated 08 October 2022 prepared by RPS and received on 21.11.2022;  
Supplementary Geo-Environmental and Geotechnical Assessment dated May 2022 prepared by Earth Science Partnership and received on 21.11.2022; and  
Acoustic Design Report dated 01.07.2022 prepared by MACH Acoustics Ltd and received on 21.11.2022.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.  
REASON: In the interests of public health.
- 04) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.  
REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 05) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the

Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.

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

- 06) Prior to the 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.
- 07) 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.
- 08) No floodlighting shall be installed unless its details have been submitted to and approved in writing by the Local Planning Authority before the use of the Multi Use Games Area (MUGA) hereby permitted commences. Thereafter the development shall be carried out in accordance with the approved details.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) No development shall commence on site until a Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Construction Method Statement shall include details of:  
hours of working;  
the on-site parking of vehicles of site operatives and visitors;  
loading and unloading of plant and materials;  
storage of plant and materials used during construction works;  
wheel washing facilities;  
the erection and maintenance of security hoardings;  
measures to control noise during construction works;  
measures to control pollution from plant and runoff;  
measures to control the emission of dust and dirt during construction works; and  
details of a scheme for the recycling/disposing of waste resulting from construction works.  
Thereafter the construction of the development shall be undertaken in accordance with the approved Construction Method Statement.

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

- 10) Prior to the occupation of the development hereby approved the proposed access points to and from Penllwyn Lane shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 43 metres. No obstruction or planting when mature exceeding 0.6 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.

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

- 11) The development shall not be occupied until the areas indicated for the parking and turning of vehicles have been laid out in accordance with Dwg No. P002 Proposed Site Layout Rev B to the satisfaction of the Local Planning Authority, and those areas shall not thereafter be used for any purpose other than for the parking and turning of vehicles in connection with the development hereby approved.

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

- 12) Any gates shall be located and fitted so that they open inwards and not out towards the highway.

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

- 13) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Such provision shall be made prior to occupation of the development hereby approved and maintained thereafter at all times.

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) Prior to the commencement of works associated with the sports hall above Damp Proof Course (DPC) level, full details of the cycle shelters as indicated on Dwg No. P002 Proposed Site Layout Rev B shall be submitted to and approved in writing by the Local Planning Authority. The cycle shelters shall be provided in accordance with the approved details prior to the occupation of the approved sports hall and shall be maintained thereafter for the lifetime of the consent.

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) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary

treatment shall be completed in accordance with the approved details before the development hereby approved is occupied.

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

- 16) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of hard and soft landscaping together with details of ground preparation including mulching and planting plans noting the species, plant sizes and planting densities for all new planting. The agreed details shall be carried out in the first planting and/or seeding season following the occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 17) No development or any other operations shall commence on site until a scheme for the protection of the existing trees growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme must include a plan clearly showing the location and specification of the protective fencing to be used. The approved protective fencing must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the construction works and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 18) Prior to the commencement of development a scheme of biodiversity protection, mitigation, compensation and enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Strategy shall include details of:

A Construction Environment Management Plan (CEMP);

Appropriate site clearance methodologies for protected and priority species including hedgehog, birds and reptiles;

A soft felling methodology for trees T1, T2, T3, T4, T5 and T15;

Biodiversity enhancement measures for birds and bats;

Details of the lighting units, levels of illumination and hours of use; and

A 5 year management plan for the site to maximise biodiversity value;

The Biodiversity Strategy shall be implemented as agreed.

REASON: To provide biodiversity conservation measures, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Planning Policy Wales (2021) and Technical Advice Note 5: Nature Conservation and Planning (2009).

- 19) No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

- 20) The use of the site hereby permitted for community purposes beyond school hours shall not be open to members of the public outside the following times:

(a) 08.00 hours to 21.00 hours Monday to Friday;

(b) 09.00 hours to 21.00 hours on Saturdays; and

(c) 10:00 hours to 20:00 hours on Sundays and 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.

#### Advisory Note(s)

Please refer to Public Access on the Council's website to view the comments of the consultees that are brought to the applicant's attention. Informative information is also provided.

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.

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), 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. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

#### 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.

#### NOTE

The applicant should be made aware that access points will associated with the development will require highway licences / agreements and no work shall be undertaken on or adjacent to the adopted highway until such have been agreed in writing. The applicant is therefore advised to contact Highway Development Control once planning consent has been granted to discuss the specific requirements.

The applicant should also be made aware that the existing Bus Stop road markings should be removed and may require changes to the existing Traffic Regulation Order (TRO) and as such the cost of such will be borne by the applicant.

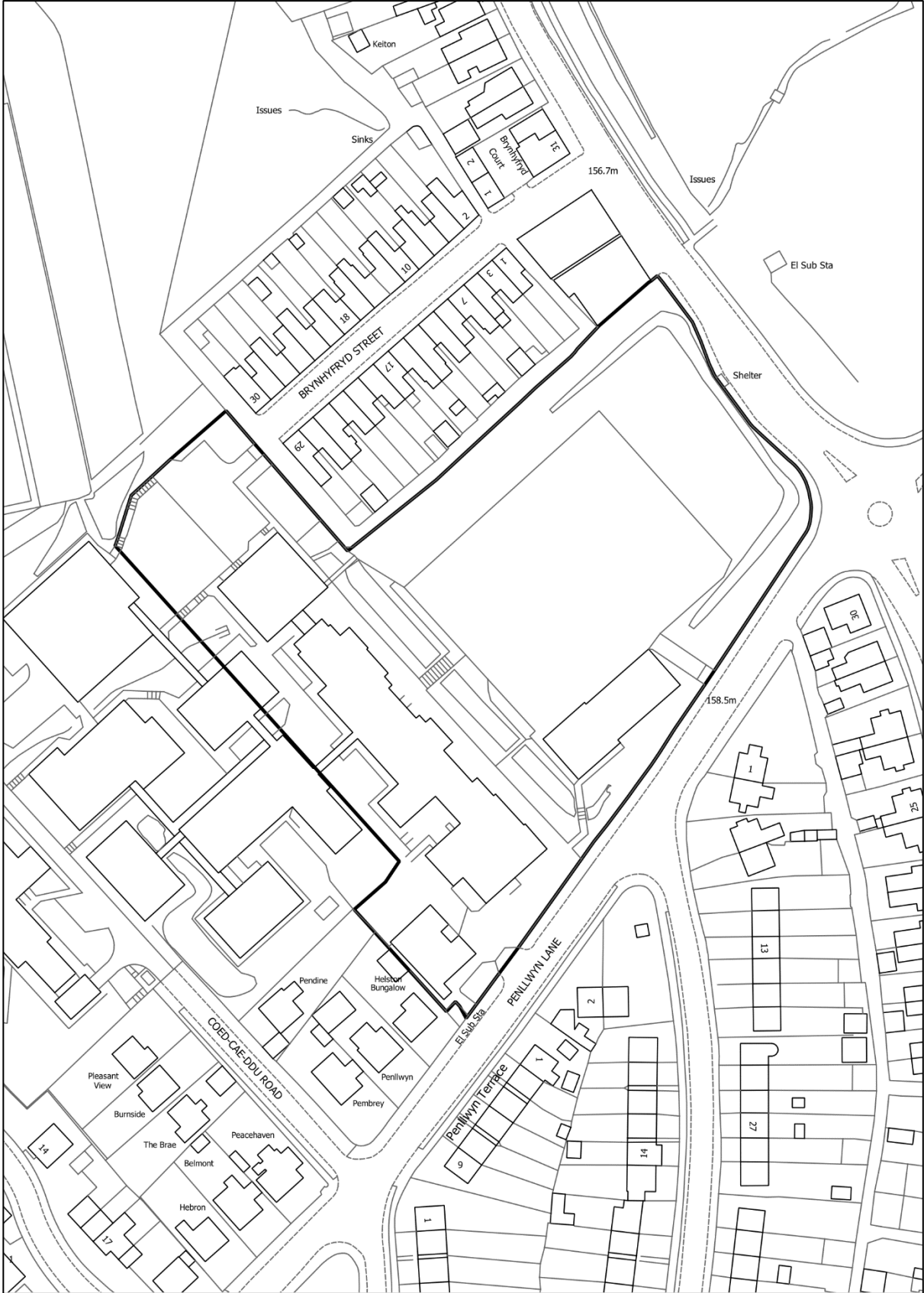
Warning: A European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require a EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at

<https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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