

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0277/RET 01.04.2019	Bryn Recycling Ltd C/o Barton Willmore Mr J Ayoubkhani Greyfriars House Greyfriars Road Cardiff CF10 3AL	Retain and complete the change of use as an operating centre by utility providers Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

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

### SITE AND DEVELOPMENT

Location: The application site is at Gelliargwellt Uchaf Farm, which is to the south-west of Gelligaer and Penybryn.

Site description: This dairy farm now includes a mixture of other uses including a quarry, an anaerobic digestion facility (AD), and a materials recycling facility (MRF). Vehicular access is from Gelligaer Road (B4254).

Development: An operating centre for the parking of vehicles by utility companies is proposed on land adjacent to the AD. This is to accommodate local authority and utility provider demand where essential or emergency infrastructure maintenance has taken place in the locality. Utility companies' existing operating centres can be located significant distances away and the site will provide the opportunity for utility vehicles to be parked on-site (with CCTV and night security) and not on the highway or driveways of the operating centre's employees. The number of vehicles stored on-site is expected to fluctuate depending on contracts being carried out locally.

Dimensions: The site is approximately 28 metres wide by 35 metres deep.

### PLANNING HISTORY 2005 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.

14/0422/NCC - Vary condition 6 of planning - Granted - 12.02.2015.

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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.

18/0087/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.

18/0085/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.

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Application No. 19/0277/RET Continued

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.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is within a special landscape area (SLA) (policy NH1.3), and a sandstone safeguarding area.

Policies: SP6 (Place Making), CW2 (Amenity), and CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), and NH1 (Special Landscape Areas).

NATIONAL POLICY Planning Policy Wales (December 2018).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This is not a material consideration in this case.

### CONSULTATION

Ecologist - No objection.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection.

Landscape Architect – No objection.

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Natural Resources Wales - No objection.

Gelligaer Community Council - Strongly object to the application on the grounds that extending operating hours and the change of use to a utility centre will disturb the peace and quiet of local residents, who have a basic right to peace and quiet on weekends, Bank Holidays and evenings.

### ADVERTISEMENT

Extent of advertisement: The application was publicised by fifty-two neighbouring property consultations, site notices posted in four locations, and a press advertisement.

Response: 544 letters and a petition bearing 25 signatures have been received raising the following concerns

### Summary of observations:

- this site is becoming an industrial estate within close proximity to the villages,
- the extension of operating hours will mean heavy traffic, noise, smells and dust will adversely impact on the lives of all residents,
- detrimental to health,
- detrimental to residential amenity,
- contrary Local Development Plan policies,
- detrimental to pedestrian safety,
- an unquantifiable number of vehicles will visit the site on a 24-hour basis,
- utility companies have their own operating centres with material stockpiles - there is no need for this facility,
- consultation letters provide very little information,
- there are no separate facility for drivers i.e. rest rooms bathrooms etc. associated with the overnight parking,
- heavy vehicles travelling through Nelson, Shingrig, Gelligaer, Penybryn, Penpedairheol, Hengoed, Cefn Hengoed, Penallta, Pengam, Tir y Berth, and Trelewis,
- loss of habitat,
- concerns are expressed about the quarry.

### 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?  
This issue does not have significant weight in respect of the current application.

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EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: Policy SP6 (Place Making) requires development to contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features and sets out a number of criteria including an appropriate mix of uses that reflect the role and function of settlements, and a location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all. Policy CW2 requires amongst other things that development should not have an unacceptable impact on the amenity of neighbouring properties or land. Policy CW3 requires development to have regard for the safe, effective and efficient use of the transportation network.

The proposal seeks to provide an operating centre for utility company vehicles which would accommodate 40 visits by utility vehicles per calendar month consisting of 26- and 44-tonne lorries, skip lorries and HIAB lorries. At present, some 31 articulated vehicle and 159 rigid vehicle movements occur at the site each day. The proposal would add another 3 daily movements, an increase of 1.6%. Therefore the impact on the highway network is minimal, and the Transportation Engineering Manager has raised no objections.

The activities associated with the MRF and the quarry are currently limited in general terms to daytime hours. The proposal would have no such limits. Therefore, whilst in terms of movements to and from the site, the proposed increase would be very small, they could occur at all times of the night when ambient noise levels are lower, and local residents are more likely to be disturbed. Therefore, although the nearest housing areas are some 450 metres away, the recommendation is to grant planning permission but subject to a temporary period to allow the impact to be monitored. The Head of Public Protection has not raised any objections.

In granting a permission for a temporary period the local planning authority has to consider how reasonable that would be bearing in mind any investment the developer may have to make. In this case, the site is already part of the AD complex, used for parking and storage, and so a temporary consent would not be unreasonable.

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There will be no impact on the SLA as the operating centre would be located within the complex of existing buildings using an area that is already used for parking.

Comments from Consultees: Those of the Transportation Engineering Manager and the Head of Public Protection are considered above. The concerns of the Community Council have been taken into account in coming to the recommendation set out above.

Comments from public:

The comments of the public have been taken into account in coming to the recommendation set out above.

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.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The use hereby permitted shall be discontinued on or before 31 July 2020.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
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