

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0827/FULL 05.12.2013	Rocco Plant Limited C/o GVA Mr O Griffiths One Kingsway Cardiff CF10 3AN	Change the use of land to scrap yard including weighbridge, temporary steel containers (to provide staff office/canteen/toilet facilities) and storage units, ferrous loading area and associated storage bins, car/lorry parking and boundary fencing Land At Unit 9 Penallta Industrial Estate Hengoed CF82 7SU

**APPLICATION TYPE:** Full Application

#### SITE AND DEVELOPMENT

Location: The application site is situated at the western edge of Penallta Industrial Estate off North Road.

Site description: The application site is a triangular shaped parcel of land at the edge of this established industrial estate. The land is currently used for the parking of trailers by a haulage contractor and it is flat with no buildings or other structures on the site. There is an earth bund to the north-west boundary of the site with a stream beyond that. There are also mature trees to the north-west and southern boundaries of the site and a weldmesh fence to the eastern boundary.

There is a haulage contractor's depot to the east of the site with industrial units to the south, and open countryside immediately to the west and north. Approximately 125m to the west are the dwellings at Cae Ffynnon, Penybryn.

Development: The application seeks full planning consent for the change of use of the land to a scrap yard. The development includes the provision of two metals storage and sorting areas, a weighbridge, temporary steel containers (to provide staff office, canteen and toilet facilities) and lorry and car parking areas together with boundary fencing. Seven car parking spaces will be provided with one space for an articulated lorry.

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Application No 13/0827/FULL Continued

Dimensions: The site has maximum dimensions of some 95m by 125m and has an area of 0.7ha.

Materials: The containers will be steel with a steel palisade fence to the boundary.

Ancillary development, e.g. parking: None.

## PLANNING HISTORY

P/99/0930 - Erect an inert waste transfer station - Granted 10.02.00.

## POLICY

### Site Allocation

Local Development Plan: Within settlement limits.

### Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), SP9 (Waste Management), CW2 (Amenity), CW3 (Design Considerations: Highways), CW5 (Protection of the Water Environment), CW13 (Use Class Restrictions - Business and Industry), CW15 (General Locational Constraints) and EM2 (Employment Sites Protection).

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local Planning Authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

Chapter 7 of Planning Policy Wales (2012) gives advice on Economic Development in Wales.

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## Application No 13/0827/FULL Continued

Paragraph 4.6 of TAN 21 Waste states: - 4.6 Recovery facilities range from small community schemes, to traditional metal recycling, and large multi-stream separation and materials recovery facilities. The waste resource may be treated by physical, chemical, thermal or biological processes to make it easier to handle, transport, recycle or dispose of. More modern facilities may have limited impacts, but noise, dust, odour and other emissions are likely to require careful consideration as well as the heavy goods transport generated by such development. All waste facilities, although providing valuable waste recovery opportunities may be considered to be 'bad neighbour' development and the planning considerations in Annex C should be observed. Opportunities may exist for the recycling of construction and demolition wastes either close to where they arise so that the operation forms part of site preparation for new development, or at a permanent processing site.

Innovative and viable local recovery initiatives should be encouraged and best practice shared between Local Planning Authorities where environmentally acceptable. UDPs should facilitate the provision of recovery facilities by indicating where such development could take place, generally in existing industrial areas, ports or brownfield sites.

National Planning Guidance contained in Technical Advice Note 12 - Design.

### CONSULTATION

Gelligaer Community Council – No objection.

Transportation Engineering Manager – No objection subject to conditions concerning HGV turning facilities and parking.

Head Of Public Protection - No objection subject to conditions concerning hours of operation, acoustic fencing and reversing alarms.

Senior Engineer (Land Drainage) – Provides drainage advice.

Dwr Cymru – Provides advice and recommends conditions regarding drainage matters and water supply.

Natural Resources Wales - No objection.

Rights Of Way Officer – Public footpaths in the locality should not be obstructed.

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Application No 13/0827/FULL Continued

### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: Two letters of objection have been received from the owner of the haulage contractors yard adjacent.

### Summary of observations:

1. The application has not been advertised correctly.
2. A great deal of water runs off this site onto adjacent land. All of this water should be contained within the site.
3. Noise mitigation measures have been proposed to protect the amenity of the residential properties to the west. This will cause the noise to be channelled back towards the industrial estate thereby creating noise issues within the estate.
4. An area of public highway has been included within the site. This area should not be included within the site as it is public highway and serves as the access to the adjacent site.
5. The area shown for the parking of vehicles will not be used for such purposes causing visitors to park elsewhere on the site.
6. The parking space shown for the articulated lorry is not located in a practical location where it can be used easily.
7. It is not felt that the 6 storage bins provided can accommodate the 200 tonnes per week of materials expected at the site.
8. The highway in the area cannot cope with the expected vehicular movements at the site.
9. The location of the weighbridge will not allow vehicles to enter and leave the site in a forward gear.
10. The proposed use will have a detrimental impact on the visual amenity of the industrial estate.
11. The proposal will have a detrimental impact on wildlife.

### 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? None.

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EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main points to consider in the determination of this application are encapsulated within the objections raised by the member of the public and as such they are considered in turn below.

1. The application was originally advertised on the basis of the address provided by the applicant. This is normal practice. The objector suggested that this was misleading to members of the public and therefore the applicant was asked to amend the description of the location. This was done and the application was re-advertised with the amended details. The objector has relatively recently moved from another unit within the industrial estate but retained the address allocated to his previous unit. Letters in respect of the original description and the amended description were sent to the objector's current property at Unit 9 Penallta Industrial Estate and as such it is considered that the application was advertised in the correct manner.
2. Both Dwr Cymru/Welsh Water and the Senior Engineer (Land Drainage) have been consulted on this application and neither have objected subject to the imposition of a condition requiring the submission of a comprehensive scheme. It is considered that the imposition of such a condition would be acceptable in planning terms. Natural Resources Wales have also been consulted on the application and they have also raised no objection to the application but have provided advice for the applicant regarding the need to apply for an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010. In that regard it is considered that any potential issues regarding the discharge of water from the site can be adequately addressed by the imposition of suitably worded conditions.

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Application No 13/0827/FULL Continued

3. From the Technical Report prepared by MLM Acoustics and submitted with the application it is shown that noise levels experienced at the adjacent industrial units would be at a level of moderate annoyance as defined in TAN11 - Noise. It is considered that this level of noise is acceptable within an industrial estate where higher levels of background noise are inevitable due to the nature of the activities carried out therein. The noise levels at the nearest residential properties are at much lower levels and as such it is considered that the proposal is acceptable from a noise perspective subject to the imposition of suitable conditions as suggested by the Council's Pollution Control Officer.
4. It is acknowledged that an area of adopted highway is included within the application site and a notice under Article 8 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 has been served on the Council as land owners. However, the plans do not show any works being carried out to this section of the highway and in any event the consent of the Highway Authority would be required to do so.
5. The on site parking area has been considered by the Transportation Engineering Manager and he is satisfied that it is acceptable from a highway safety perspective. The Local Planning Authority can only request the provision and maintenance of off-street parking and if vehicles are parked elsewhere on the estate causing an obstruction to the highway then this is a matter for the Police.
6. Parking for lorries has been considered by the Transportation Engineering Manager and he is satisfied that there is adequate space within the site to accommodate such a vehicle within the site without compromising the operation of the business. As such it is acknowledged that it would be difficult to park an articulated lorry in the position indicated on the submitted plans but this would not be sufficient to refuse the application as alternative provision can be made.
7. It is acknowledged that some materials may be stored within the site but not inside the containers indicated on the submitted plans. However, it is not felt that this would be unacceptable in an industrial estate provided that the height of the materials is kept at an acceptable level. A suitably worded condition to that effect could be attached to any consent granted.

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Application No 13/0827/FULL Continued

8. The capacity of the surrounding roads has been considered by the Transportation Engineering Manager and he is satisfied that it is acceptable from a highway safety perspective.
9. A swept path analysis plan has been submitted by the applicant indicating that articulated vehicles can enter and leave the site in a forward gear subject to the protection of an area within the site for vehicular movements. Again a suitably worded condition can be attached to any consent granted to achieve this.
10. Penallta Industrial Estate is allocated in the Caerphilly County Borough Local Development Plan as a Secondary Site where appropriate sui generis uses are acceptable. In that there is an existing civic amenity site on the estate it is felt that this type of use is acceptable. The visual amenity of the site can be protected by the imposition of conditions restricting the height of materials stacked on the site and by the existing trees surrounding the land.
11. There is no evidence of any protected species in the area and the layout of the site has been carefully planned such that there would be no impact on the mature trees and the stream adjacent to the site boundary. In that regard it is not felt that there would be any detrimental impact on the ecology of the area as a result of this application.

In conclusion it is considered that the proposed use is supported in policy terms and as such is acceptable from a planning perspective subject to the imposition of suitable conditions.

Comments from consultees: No objections raised. The comments of consultees can be accommodated by conditions with the exception of those requested by Dwr Cymru\Welsh Water which are covered by its own legislation.

Comments from public: None.

Other material considerations: None.

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Application No 13/0827/FULL Continued

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 hereby approved relates to the details received on 28th January 2014 by the Local Planning Authority.  
REASON: For the avoidance of doubt as to the details hereby approved.
- 03) Notwithstanding the submitted plan no materials shall be stored outside of the ferrous loading areas indicated on the approved plan, and the area hatched in green on the plan shall be kept free of all buildings or obstructions for the manoeuvring of vehicles within the site.  
REASON: In the interests of highway safety.
- 04) The development shall not be beneficially occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety.
- 05) The gates hereby approved shall not open outwards over the public highway.  
REASON: In the interests of highway safety.
- 06) No process shall be carried out on site outside the hours of 8.00 a.m. to 5.00 p.m. Monday to Friday and 9.00 a.m. to 12.00 p.m. on Saturdays and not at all on Sundays and Bank Holidays.  
REASON: In the interests of residential amenity.
- 07) Prior to the commencement of operations on the site hereby approved, details of a 2.5m high fence as stated in acoustic report (AB/100049/R1) shall be submitted to and agreed in writing with the Local Planning Authority. The acoustic fence shall be constructed of timber, of at least 15mm thickness, with all panels overlapping and sealed. Any gaps between the acoustic fence and the ground should be minimised. The development shall be completed prior to commencement of the use hereby approved and maintained thereafter in accordance with the agreed details.  
REASON: In the interest of residential amenity.

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Application No 13/0827/FULL Continued

- 08) All vehicles within the control of the site operator shall be fitted with broadband (white noise) reversing alarms.  
REASON: In the interest of residential amenity.
- 09) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 10) Materials shall not be stacked or deposited to a height exceeding 4m.  
REASON: In the interests of the visual amenity of the area.
- 11) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of bat boxes in perimeter trees shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new dwellings hereby approved are first occupied.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, Planning Policy Wales (2012) and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning (2009).
- 12) Prior to the commencement of any works on site, details of the provision of bird boxes in perimeter trees shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new dwellings hereby approved are first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, Planning Policy Wales (2012) and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning (2009).

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 and CW3.

Please find attached the comments of Dwr Cymru/Welsh Water Natural Resources Wales and the Senior Engineer (Land Drainage) that are brought to the applicant's attention.

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Application No 13/0827/FULL Continued

I recommend that at least 5 bat boxes and 5 bird boxes should be provided. These should be woodcrete boxes that require less maintenance and are longer-lasting than traditional timber boxes. There are several types of boxes available from a variety of suppliers, including RSPB, NHBS, Amazon, BTO, etc. For example, the Schwegler 1FF Bat Box or Schwegler 2FN Bat Box would be suitable for bats and Schwegler 26mm and 32mm nest boxes (woodcrete) for birds. The submitted details should pinpoint the location of the boxes in the perimeter trees, number, aspect (N,S,E,W,NE,NW,SE or SW) and type of boxes, and when they will be installed. Ideally, the bat boxes should be erected at different aspects, so that the bats can move between boxes if the temperature is too hot or cold. Advice on the siting of bat and bird boxes is available online at the Bat Conservation Trust or RSPB websites.

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