

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
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| 15/1083/COU 24.11.2015 | RH & JH Bailey LLP Mr P Wells C/o Barton Wilmore Mr C Parry Greyfriars House Greyfriars Road Cardiff CF10 3AL | Change the use of former paper waste recycling facility to demolition waste and peat processing facility Unit 3 Pantglas Industrial Estate Bedwas Caerphilly CF83 8DR |

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site is located at Unit 3 Pantglas Industrial Estate, Bedwas, Caerphilly.

Site description: The site comprises an existing industrial unit, together with car parking areas and other hard surfaced areas within the curtilage of the unit. The boundary of the property is enclosed by security fencing and gates. Access is from a spur off the main industrial estate road. The River Rhymney adjoins the site to the south. To the north is an industrial unit and beyond that a cemetery. Unit 3 was last used as a paper recycling facility (Sevenside recycling).

Development: It is proposed to change the use of the industrial unit from a waste paper recycling facility to a recycling facility for peat, soils and construction, excavation and demolition waste. No material changes are proposed to the physical characteristics of the site or to the external appearance of the building.

Dimensions: The site comprises 1.34 hectares of industrial land, which contains a large industrial building.

Materials: No new building work is proposed.

Ancillary development, e.g. parking: Parking areas are provided, together with external storage areas.

PLANNING HISTORY 2005 TO PRESENT

P/05/0816 - Erect extension to existing production print facility - Granted 15.09.05.

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POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within settlement boundaries on land protected for employment use.

Policies: SP9 (Waste Management), CW15 (General Locational Constraints), EM2.25 (Employment Allocation), NH3.1 (Site of Importance for Nature Conservation) (SINC), CW22 (Locational Constraints Minerals), CW1 (Transport), CW3 (Highways), CW4 (Natural heritage protection), CW5 (Water environment), TM1.8 (Rhydney Riverside Walk).

NATIONAL POLICY Planning Policy Wales Ed 8 January 2016. TAN 15 Flood Risk.

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? The site is within a Coal Mining Consultation Area but no new buildings are proposed.

CONSULTATION

Bedwas, Trethomas & Machen Community Council - Resolved that further information required.

Senior Engineer (Land Drainage) - Any development must comply with the requirements of the Flood and Water Management Act 2010. The site is within Flood Zone C1 and the implications of this should be taken into account in the determination of the application.

Principal Valuer - No comments.

Transportation Engineering Manager - No objection raised.

Head Of Public Protection - No objections subject to conditions concerning noise and dust control.

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Natural Resources Wales - No objection in principle to the development. Offers advice in relation to flood risk management and waste management and recommends that a flood consequences assessment should be carried out to establish what the predicted flood risk is to the building and its access / egress routes. The application site lies within flood zone C1.

Dwr Cymru - No objection in principle but recommends conditions and advisory notes.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by means of a site notice and letters to two adjoining properties.

Response: No response has been received.

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? The proposed development is not likely to significantly affect crime and disorder in the local area.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No. The application is for change of use and no new floor space is proposed.

ANALYSIS

Policies: Decisions on planning applications must have regard to the provisions of the development plan unless there are material planning considerations that indicate otherwise. Such considerations may include current circumstances, policies in an emerging development plan and policies of the Welsh government and the UK government.

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The proposed development has been considered in the context of the policies in the development plan, including national policy and in the adopted Local Development Plan. The main considerations in the determination of this application are:

Waste policy

The council seeks through the LDP to promote the reduction, reuse and recycling of materials in order to maximise the use of unavoidable waste as a resource. This aim is consistent with national waste policy in Planning Policy Wales and TAN21: Waste 2014 and Towards Zero Waste 2010, the overarching waste strategy document for Wales and the South East Wales Regional Waste Plan.

The development would enable the recycling of approximately 30,000 tonnes a year of peat and 50,000 tonnes a year of construction and demolition waste, which is consistent with the aim in national and local policy of moving waste up the waste hierarchy and diverting it from landfill.

Locational constraints

The site is within a protected primary employment site. Policy SP9 in the adopted LDP states that all allocated and protected B2 industrial sites are designated as potentially suitable locations for new in-building waste management facilities. Policy CW13 aims to protect primary employment sites by allowing only B1, B2 and B8 uses, or an appropriate sui generis use, or an ancillary facility or service. Every industrial site that is protected for use class B2 is considered suitable for the location of in-building waste management facilities.

The application states that external areas of the site would be used for storage of waste and products in stockpiles up to 5m in height but waste processing would take place within the building. The facility can, therefore, be considered to be an in-building waste facility. The proposed use involves the processing of material to generate a new product (recycled aggregate and clean soils) and in this respect it is akin to a B2 use. Therefore, in principle, the proposed development is acceptable in this location.

Flood risk

The site is mainly within an area designated as C1 flood risk, where there is a 0.1% risk of flooding. TAN 15 states that within zone C1 development can take place subject to a justification test being applied, including acceptability of the consequences. Waste disposal sites are considered to be highly vulnerable development for the purposes of TAN 15. While this proposal would involve waste being brought to the site, the waste would be inert and it would be processed and removed, rather than being deposited as would be the case at a landfill site. General industrial development is considered to be a "less vulnerable" type of development, except for uses where flooding would lead to a risk to the public or to the water environment should the site be inundated.

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However, TAN 15 requires both types of development to be subject to a justification test and an assessment of the consequences. Surface water requirements also need to be considered.

The site meets the justification test of being previously developed land but no assessment has been carried out as to the potential consequences of a flooding event. NRW has advised that it considers the development to be "less vulnerable" and that, since the proposal involves no intensification in vulnerability (i.e. it involves a change from one type of less vulnerable to another type of less vulnerable development), a Flood Consequences Assessment is discretionary.

Amenity

If properly managed, the proposed development would not have an unacceptable impact on the amenity of neighbouring properties or the riverside area. Any adverse effects can be controlled by applying conditions. The recycling facility would not constrain the development or the viability of adjoining sites. It is, therefore, considered that the development meets the criteria set out in policy CW2.

Transport and highways considerations

The council's Transportation and Engineering Manager has no objection to the development. The site is within an industrial estate and, at the proposed throughput of 80,000 tonnes a year; the proposed development will not lead to any highway safety or capacity issues.

Tourism

Land is allocated adjacent to the site for a Rhymney Riverside walk (TM1.8). However this is outside the application site and, provided the waste management facility is managed in an acceptable manner, it would not have an adverse impact on the riverside walk proposal.

Impact on SINC

The river Rhymney corridor is designated as a Site of Importance for Nature Conservation (NH3.1). LDP policy CW 4 states that development proposals close to SINC's will be permitted where they conserve and where appropriate enhance the ecological importance of the designation or where the need for the development outweighs the ecological importance of the site.

The proposed use is not considered to have a greater adverse impact on the adjoining SINC than the use that is currently permitted.

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Comments from Consultees: Comments from consultees are addressed above.

Comments from public: No comments were received from members of the public.

Other material considerations: There are no other material considerations.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:
DWG no 9002 Proposed site layout
DWG 9001 Existing site layout
DWG 9000 Site boundary plan
Design and Access Statement October 2015
Application form 21 October 2015
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) 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.
- 03) Notwithstanding the submitted details, no crushing, screening, shredding or other processing of material shall be carried out outside the building.
REASON: To protect the amenity of the local area and because the site is not an appropriate location for open air processing of waste, taking into account the policies in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted 2010.
- 04) No wastes other than construction, demolition, excavation wastes, peat and soils shall be deposited at the site.
REASON: Any other waste materials may raise environmental and amenity issues that would require fresh consideration.
- 05) No operations shall take place at the site except between the hours of
07.00 to 18.00 Monday to Friday
07.00 to 13.00 Saturday
No operations shall take place on Sundays, Bank or Public holidays.
REASON: In the interests of the amenity of the area and to protect the riverside area for future tourism development.

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- 06) A scheme detailing measures for the suppression of dust, including provision for monitoring and review of the scheme, shall be submitted to and approved by the Local Planning Authority before the use of the site hereby permitted commences. The scheme, once approved, shall be implemented in full throughout the duration of the development.
REASON: To protect the amenity of the local area.
- 07) The height of stockpiles and waste storage mounds shall not exceed five metres in height.
REASON: To protect the amenity interests of the local area.
- 08) Details of the location, height, design, sensors and luminance of floodlighting, which shall be designed to minimise the potential nuisance of light spillage on adjacent areas, shall be submitted to and approved by the Local Planning Authority before the use hereby approved commences. Once approved, the details shall be implemented as specified and maintained for the duration of the development.
REASON: In the interests of protecting amenity and ecological interests.
- 09) 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 use hereby approved commences.
REASON: In the interests of the visual amenities of the area.
- 10) The storage of skips on the site shall only be incidental to the use of the site and shall be confined to an area and overall height which has been previously approved in writing with the Local Planning Authority.
REASON: To safeguard the amenity interests of the local area.
- 11) Prior to the commencement of the use hereby approved 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 site to which they relate is occupied for the use hereby approved.
REASON: To ensure the development is served by an appropriate means of drainage.

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- 12) Before the use hereby approved commences, a scheme indicating the facilities and/or methods to be put in place to ensure deleterious material is not carried onto any part of the public highway, including provision for the review of the scheme and details of any remedial measures to be put in place to clear the highway of any such material, shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved and utilised during the period of operation of the site.

REASON: In the interests of highway safety and to safeguard the amenity interests of the local area.

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, CW3, CW4 and CW5.

