

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/1082/FULL 20.12.2018	Bryn Power Ltd C/o Barton Wilmore Mr J Ayoubkhani Greyfriars House Greyfriars Road Cardiff CF10 3AL	Provide demountable building to be used for teaching and welfare facilities and associated works Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Gelliargwellt Uchaf is a dairy farm with lands between Gelligaer, Nelson and Trelewis. A small quarry was established to the south-east of the farmhouse in the early 1990s and a materials recycling facility and waste transfer station was developed to the west of the farmhouse following an appeal in 2013. An anaerobic digestion (AD) facility has also been developed to the north-west of the farmhouse, following the same appeal. The application site comprises some 0.02 hectares of land within the wider farm site.

Site description: The site is a small area of land within the Anaerobic Digestion facility. It is located to the south east of the digester tanks adjacent to two combined heat and power engines.

Development: The application relates to a demountable building to be used for teaching and welfare facilities. It would be used, the application states, by visiting academics and school children on organised school visits.

Dimensions: The proposed building measures approximately 8 metres by 3.5 metres.

Materials: Plastisol-coated, galvanised steel cladding external wall finish.

Ancillary development, e.g. parking: Parking spaces are provided next to the application site.

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PLANNING HISTORY 2005 TO PRESENT

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

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.

18/0087/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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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 - Granted - 06.12.2018.

POLICY

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

Site Allocation: The site is not allocated for any purpose in the LDP but it is within a Special Landscape Area and outside settlement boundaries.

Policies: The following policies are relevant to the determination of this application: CW15 General Locational Constraints, CW2 Amenity, CW3 Highways design, CW4 Natural Heritage Protection, CW22 Mineral Safeguarding.

NATIONAL POLICY Planning Policy Wales 10 December 2018, Technical Advice Note 21: Waste.

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 is within the coalfield and within the high risk referral area. The Coal Authority has been consulted.

CONSULTATION

The Coal Authority - The site is within an area of historic unrecorded underground coal mine workings at shallow depth. In view of the nature of the development a coal mining risk assessment is not required but it is recommended that an informative note is attached to any permission granted.

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Landscape Architect - No objection subject to the demountable building having a dark colour finish rather than white.

Senior Engineer (Land Drainage) - Should the planning authority be minded to grant permission, we recommend as a minimum the following or similarly worded conditions be appended to any permission:

Condition: Prior to the commencement of works on site a scheme of land and surface water drainage within the site 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 it relates is occupied.

REASON: To ensure the development is served by an appropriate means of drainage.
Dwr Cymru - We have no comments to make on the planning application. Information is provided for the applicant.

Gelligaer Community Council - No objections.

Ecologist - There are no ecological issues with the proposed development.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by means of notices posted in five locations in Gelligaer, Penybryn and Nelson.

Response: No response has been received at the time of writing this report.

Summary of observations: Not applicable in this case.

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 will not have a significant impact on crime and disorder in the local area.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

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ANALYSIS

Policies: Planning applications must be determined in accordance with national policy and the policies in the development plan unless material considerations indicate otherwise. The relevant policies in this case are CW2, CW3, CW15, CW22.

The main considerations in this case are the principle of the development, the impact of the proposed demountable classroom on the amenity of the local area and on the Special Landscape Area, any highways implications, its compatibility with existing development and any impact on the sandstone safeguarding area.

The principle of the development (CW15)

The proposal is for a small additional building within the existing anaerobic digestion facility at the site. The site is outside settlement boundaries but it is within an established waste management facility. The principle of the development has been established by previous consents for waste management development at the site.

Amenity (CW2)

Policy CW2 states that development proposals must ensure that there is no unacceptable impact on the amenity of adjacent properties or land and that the use is compatible with surrounding land uses. The proposal should not result in over-development of the site and should not compromise the viability of existing neighbouring land uses.

The proposed development is compatible with the surrounding development and any additional impact on residential properties in Gelligaer, which are located 550 metres to the north-east, would be negligible. The classroom unit is small-scale and would make use of existing infrastructure in a sustainable way.

Highways and car parking (CW3)

Policy CW3 sets out requirements for new development to ensure the safe, efficient and effective use of the highway network and that it promotes parking, servicing and operational space in accordance with the CSS Wales parking standards.

Visitors to the site would use the facility on a pre-arranged basis, minimising traffic generation. Parking spaces are provided adjacent to the unit to ensure safe access to the building within the operational working area.

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Natural heritage protection (CW4)

The site is within NH1.3 Mynyddislwyn Special Landscape Area. Policy CW4 states that development proposals will be permitted where they conserve and where appropriate enhance the distinctive or characteristic features of the SLA.

In the context of the existing AD tanks and reception building as well as the farm buildings and MRF to the south, the proposed development would not have a significant additional visual impact on the surrounding area. Views into the AD facility are screened by an earth bund on the boundary and by the topography to the north and east. In view of this there would not be a significant additional adverse impact on the SLA.

Mineral safeguarding (CW22)

Development proposals that may impact mineral resources within mineral safeguarding areas will be considered against the criteria set out in policy CW22 to ensure that minerals that society may need in the future are not unnecessarily sterilised.

The site is within a sandstone safeguarding area. It is located approximately 400 metres to the north-west of Bryn Quarry but any extension to the quarry towards the site is prevented by existing permanent built development. Therefore, the proposed new building would not constrain any future use of the mineral resource more than existing development.

Comments from Consultees: Those consulted have not raised any objection in principle.

Comments from public: No comments were received.

Other material considerations: The scale of this development is such that its impact on prosperity, resilience, health, equality, the community, Welsh culture, and the need to be globally responsible will be very limited.

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.

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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 permitted shall be carried out only in accordance with the following plans and other submitted details:
Drawing number BPL-2018-ADSB-002, Site location plan received 20 December 2018;
Product range brochure received on 20 December 2018;
Drawing number BPL-2018-ADSB-001 rev B, Location of teaching facility received 20 December 2018.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Notwithstanding the submitted details, the building hereby approved shall be finished in a dark recessive colour, which shall be agreed in writing with the local planning authority before the building is brought into use.
REASON: In the interests of the visual amenity of the local area.
- 04) Prior to the commencement of works on site, a scheme of land and surface water drainage within the site 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 it relates is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.

Advisory Note(s)

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

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 Amenity, CW4 Natural heritage protection, CW15 Locational constraints, CW22 Mineral safeguarding.

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

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, digging of 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.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the 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/coalauthority

