

## PREFACE ITEM

APPLICATION NO. 19/0275/NCC

APPLICANT(S) NAME: Bryn Recycling

PROPOSAL: 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

LOCATION: Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer

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1. This application was reported to Planning Committee in July with a recommendation of approval for a temporary period. The previous report is attached as an Appendix. A decision was deferred to allow officers to draft a reason for refusal based on the concerns of the local members and residents.
2. During the consideration of the application a request was made to give further consideration to the objections raised by the local residents. These are reproduced below, followed by a comment from the planning officer.

- 'This site is becoming an industrial estate within close proximity to the villages.'  
As made clear in the report, there are a number of uses on the site: an anaerobic digester, a materials recycling facility, a quarry, and the original dairy farm. However, there is a minimum of approximately 400m between those activities and the villages of Penybryn and Gelligaer, which compares favourably with many residential areas in the borough close to industrial estates.

- 'The extension of operating hours will mean heavy traffic, noise, smells and dust will adversely impact on the lives of all residents.'  
This aspect of the scheme was taken into account in coming to a recommendation to allow the extension of the hours for a temporary period of one year only, which would have allowed the impacts on local residents to be monitored.

- 'Detrimental to health.'  
The dust in the locality has been monitored and tested, and there is no indication that it is arising from the activities at the application site. Blasts at the quarry are also monitored and they are well within the limits set out in the planning permission. There is no sound evidence that the development is harmful to health.

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- 'Detrimental to residential amenity.'

This matter would be monitored as part of the temporary approval.

- 'Contrary Local Development Plan policies.'

The development is not contrary to any LDP policies, but in view of the intermittent nature of the proposed out of hours traffic, it was considered prudent to recommend a temporary permission to allow the matter to be monitored.

- 'Detrimental to pedestrian safety.'

The small amount of additional traffic would use the existing access to Gelligaer Road (B4254) which is lightly used by pedestrians.

- 'An unquantifiable number of vehicles will visit the site on a 24-hour basis.'

The intention is to allow no more than 40 vehicles per calendar month, many of which would be during the normal daytime hours in any case. A register would be kept by the operator.

- 'Utility companies have their own operating centres with material stockpiles - there is no need for this facility.'

The application for the operating centre has now been withdrawn. The need for material is evidenced by utility companies visiting the premises to pick them up, and deposit waste.

- 'Consultation letters provide very little information.'

The consultation letters sent were in a standard format. They invite consultees to view the plans at the offices or on line. It is not possible to provide more comprehensive information in the letters.

- 'There are no separate facility for drivers i.e. rest rooms bathrooms etc. associated with the overnight parking.'

The application for the operating centre has been withdrawn.

- 'Heavy vehicles travelling through Nelson, Shingrig, Gelligaer, Penybryn, Penpedairheol, Hengoed, Cefn Hengoed, Penallta, Pengam, Tir y Berth, and Trelewis.'

The impacts arising from the small number of additional vehicles on the surrounding road network would be monitored if a temporary permission was granted for one year.

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- 'Loss of habitat.'

No habitat is affected by these proposals.

- 'Concerns are expressed about the quarry.'

The quarry is not affected by this proposal.

3. If Members are minded to refuse planning permission for this development, the following reason for refusal is suggested, based on the concerns raised at Planning Committee.

The movement of lorries and other vehicles visiting the premises outside of the currently approved operating hours, and the associated loading and unloading, would cause noise and general disturbance to the detriment of the residential amenity of the nearby residents in Gelligaer and Penybryn, and would therefore be contrary to policy CW2 (A) of the adopted Caerphilly County Borough Local Development Plan up to 2021.

RECOMMENDATION: That planning permission is granted subject to conditions as set out in the attached report. However, if Members are minded to refuse permission, it is suggested that they do so on the basis of the reason set out in paragraph 3 above.

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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0275/NCC 01.04.2019	Bryn Recycling C/o Barton Willmore Mr J Ayoubkhani Greyfriars House Greyfriars Road Cardiff CF10 3AL	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 Bryn Recycling Ltd (Bryn Power) Waste Transfer Station Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer

**APPLICATION TYPE:** Development without complying with conds

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: Condition 8 of planning permission 14/0226/FULL for the MRF restricted activities to the following hours.

"Operations authorised by this permission, including vehicles entering or leaving the site, shall not take place except between the hours of:

07.00 to 18.00 Monday to Friday  
07.00 to 13.00 Saturday

and shall not take place on Sundays or Bank or Public Holidays, other than as indicated below.

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In addition, the site may be open solely for the receipt of waste from Civic Amenity Sites between the following hours:

13.00 to 16.00 Saturday  
07.00 to 16.00 Sunday and Bank or Public Holidays."

It is now proposed to amend this condition by adding the following.

"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 40 occurrences per calendar month. 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."

This is to accommodate local authority and utility provider demand where essential or emergency infrastructure maintenance has taken place in the locality. Another application (19/0277/RET) has been submitted to provide an operating centre for such vehicles at the site. 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.

PLANNING HISTORY 2005 TO PRESENT

10/0429/RET - Retain and complete earthworks - Granted 04.11.10.

11/0224/FULL - Erect building and tanks to incorporate anaerobic digestion facility with associated plant, engineering and landscaping works - Refused 08.12.2011 Allowed on appeal 12/0020/REF 28.03.2013.

11/0226/FULL Provide permanent operation of materials recycling facility and erection of new building - Refused 07.12.2011. Allowed on Appeal 28.03.2013.

11/0227/NCC Delete condition 13 of planning permission ref 10/0429/RET to remove requirement to reduce height of bund to 1 metre above the adjoining ground level - Granted 08.12.2011.

13/0697/FULL - Erect canopy to material storage bays of approved planning permission for material recycling facility (11/0226/FULL) - Granted 19.11.2013.

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14/0226/FULL - Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) - Granted 14.07.2014.

18/0084/RET - Retain extension to material recycling facility to include biomass boiler and chimney flue - Refused 13.09.2018.

19/0011/FULL - Provide additional fire prevention measures including structures, storage tanks, engineering and associated works - Granted 21.02.2019.

## 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

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

Head Of Public Protection - No objection

Transportation Engineering Manager - No objection

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### ADVERTISEMENT

Extent of advertisement: The application was publicised by fifty-two neighbouring properties 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.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

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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 extend the operating hours at the site to accommodate 40 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 at the site each day. The proposal would add another 3 daily movements, and 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 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.

There will be no impact on the SLA as this is an application for an extension of hours at an existing facility.

As this is an application to vary a condition on a consent, all of the conditions previously imposed are reproduced.

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Application No. 19/0275/NCC Continued

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) This consent is granted for a temporary period expiring on 31st July 2020, after which the hours of operation shall revert to those approved in accordance with Caerphilly County Borough Council planning permission 14/0226/FULL.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 02) Operations authorised by this permission, including vehicles entering or leaving the site, shall not take place except between the hours of:  
07.00 to 18.00 Monday to Friday;  
07.00 to 13.00 Saturday and shall not take place on Sundays or Bank or Public Holidays, other than as indicated below.

In addition, the site may be open solely for the receipt of waste from Civic Amenity Sites between the following hours:

13.00 to 16.00 Saturday;  
07.00 to 16.00 Sunday and Bank or Public Holidays.

REASON: To protect the amenities of local residents and visitors to the area.

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 40 occurrences per calendar month, including those occurrences permitted by Caerphilly County Borough Council planning permission 19/0276/NCC. 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.

- 03) The development hereby approved shall be carried out in accordance with the following plans:  
 Site Layout plan BQ-RRF-2014-012 rev A.  
 Proposed Site Layout BQ-RRF-2014-003 rev B.  
 Proposed Floor Plan BQ-RRF-2014-004 rev B.  
 Building Layout BQ-RRF-2014-01 rev A.  
 Elevations BQ-RRF-2014-008 rev B.  
 Elevations BQ-RRF-2014-073 rev B.  
 Cross Section BQ-RRF-2014-006 rev B.  
 Proposed Roof Plan BQ-RRF-2014-005 rev B.  
 Existing BQ-RRF-2014-002 rev A.  
 REASON: To define the permission by reference to the approved plans.
- 04) The building hereby approved shall be used only as a materials recycling facility and for no other purpose.  
 REASON: To regulate the waste process in the interests of local amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) The sorting, screening and processing of waste material on the site shall take place solely within the waste recycling building hereby approved.  
 REASON: To regulate the waste process in the interests of local amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) The waste types deposited, stored and treated at the site shall be as shown on Plan reference BQ-RRF-2014-011 rev A.  
 REASON: To regulate the details of the waste process in the interests of local amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Any material not specified in condition 06) that is received at the site shall be stored in impervious covered containers and removed from the site within 24 hours of its receipt.  
 REASON: To regulate the details of the waste process in the interests of local amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) No material shall be stored outside the building except stockpiles as indicated on plan reference BQ-RRF-2014-003 rev B and the stockpiles shall not exceed five metres in height.

REASON: To define the details of the waste process in the interest of local amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 09) No operations shall take place on site until a scheme and programme for the suppression of dust, including provision for monitoring of the scheme has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with that approved scheme and programme.

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) Between the hours of 07.00 and 18.00, the noise levels arising from the development shall not exceed 45 dB (LAeq) (1 hour), freefield at any of the following noise sensitive properties: Green Acres; Top Hill Farm; Claerwen Estate; Llancaiach Isaf Farm.

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.

- 11) Details of the location, height, design, sensors, and luminance of external lighting, which shall be designed to minimise the potential nuisance of light spillage on adjoining properties and highways shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced. Thereafter the provision of external lighting at the site shall be solely in accordance with those approved details.

REASON: To minimise the impacts on residential amenity and on European protected species in accordance with policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 12) The development shall not be commenced until 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 and any remedial measures to be put in place to clear the highway of any such material has been submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved throughout the duration of the 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.

- 13) No development shall take place until a scheme for the management of surface water has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first use of the MRF building and shall include:

- All surface water run-off shall be collected and stored in underground tanks;
- The timing of development;

- Management of surface water during the construction phase;
- Details of the capacity and depth of the attenuation tanks, and
- Maintenance of the scheme.

The development shall be operated in accordance with that approved scheme.

REASON: To guard against pollution in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) Prior to the commencement of development, a working method statement to cover all construction works shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in compliance with the approved scheme. The scheme shall include details of timing of works, methods used for all channels and bankside works, location and storage of plant, machinery, fuels, storage, access routes, protection of areas of ecological sensitivity and importance and site supervision. Thereafter the development shall be carried out in accordance with the agreed method statement.  
REASON: To control the impacts of the construction phase of development, including dealing with contamination and invasive plants in accordance with policy CW2, CW3, CW4 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) If, during the construction of the development, contamination not previously identified is found to be present at the site, no further development shall be carried out until the developer has submitted and received written approval from the Local Planning Authority for a remediation strategy detailing how the unsuspected contamination will be dealt with. The development shall be carried out in accordance with that approved scheme.  
REASON: To control the impacts of the construction phase of the development, including dealing with contamination and invasive plants in accordance with policy CW2, CW4 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) Prior to the commencement of development, a detailed method statement for the removal or long term management/eradication of Japanese knotweed and Himalayan balsam on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed and Himalayan balsam during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.  
REASON: To control the impacts of the construction phase of the development, including dealing with contamination and invasive plant species in accordance with policy CW2, CW4 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 17) No development shall take place until full details of bunding and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.  
REASON: In the interests of protecting the amenity of the local area in accordance with policy CW2 and CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 18) Trees, shrubs and hedges planted in accordance with the approved planting scheme shall be maintained and any plants which within five years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Local Planning Authority.  
REASON: To protect the amenity of the local area in accordance with policy CW2 and CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 19) Prior to the commencement of operations hereby permitted, measures shall be taken for the protection of trees and hedgerows from damage in accordance with precise details which shall be submitted to and approved in writing by the Local Planning Authority. The means of protection shall include:  
i) measures to prevent disturbance to, soil levels within the root spread of the tree or hedgerow.  
ii) protective fencing around the trunk in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
The means of protection shall be retained until all plant, equipment and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected and the ground levels within these areas shall not be altered without the prior written agreement of the Local Planning Authority.  
REASON: To protect the amenity interests of the local area in accordance with policy CW2 and CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 20) The maximum volume of material to be imported to the MRF directly via the public highway shall not exceed 74,999 tonnes per annum (1st January to 31st December). Upon the request of the Local Planning Authority, the site operator shall provide details on a quarterly basis of the tonnage of material received at the site.  
REASON: In the interests of highway safety and to protect residential amenity in accordance with policy CW2, CW3 and CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 21) Prior to the first use of the proposed new MRF building hereby approved the existing MRF building shall be painted in a colour to be agreed in writing with the Local Planning Authority.  
REASON: To ensure the satisfactory external appearance of the development in accordance with policy CW2, and CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
  
  - 22) Prior to the commencement of development samples of the materials to be used for the external surfaces of the proposed new MRF building hereby approved 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: To ensure the satisfactory external appearance of the development in accordance with policy CW2, and CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
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**DEFERRED FOR REASONS FOR REFUSAL**

