

Application Number: 20/0645/FULL

Date Received: 10.08.2020

Applicant: Bryn Recycling Ltd

Description and Location of Development: Erect extension of buildings to provide additional drying space and associated works to support increased recycling quality and recycling rates - Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed, CF82 8FY

Site description: 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 facility has also been developed to the north-west of the farmhouse, following the same appeal.

Development: The development sought for permission is to extend three buildings within the site.

Dimensions: An extension measuring approximately 35m by 14m to the south of the existing bailing and recycling facility building with an overall height to match the existing roof of 9.2m

An extension to an existing building in the north-west of the site measuring approximately 7m by 16m with an overall height of 6.8m

An extension to another existing building in the north-west of the site with the main portion of the extension on the western side with a footprint measuring approximately 41.7m by 19.8m with an additional extension to the south of part of the existing building measuring 20m by 5m. The maximum height measures approximately 7.2m to the eaves and 8.5m to the ridge.

Materials: To match the existing structures they are extended with materials including profile metal sheeting in green/dark green for walling and roof and/or concrete walls.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT

10/0429/RET - Retain and complete earthworks - Granted - 04/11/2010.

11/0224/FULL - Erect building and tanks to incorporate anaerobic digestion facility with associated plant, engineering and landscaping works - Refused - 08/12/2011.

11/0226/FULL - Provide permanent operation of materials recycling facility and erection of new building - Refused - 08/12/2011.

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.

12/0570/FULL - Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works - Granted - 08/08/2013.

14/0226/FULL - Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) - Granted - 14/07/2014.

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 - 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.

18/0085/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.

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.

19/0011/FULL - Provide additional fire prevention measures including structures, storage tanks, engineering and associated works - Granted - 21/02/2019.

19/0275/NCC - 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 - Refused -12/09/2019.

19/0276/NCC - Vary Condition 6 (Hours of operation) of planning consent
12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to extend the hours of operation for utility providers - Refused - 12/09/2019.

20/0140/COND - Discharge conditions 03 (Drainage), 04 (Trees) of planning consent
19/0011/FULL (Provide additional fire prevention measures including structures, storage tanks, engineering and associated works) - Decided - 09/04/2020.

20/0171/COND - Discharge conditions 6 (Resurfacing of access road) and 7 (Site Management Plan) of planning consent 19/0275/NCC granted on appeal reference number APP/K6920/A/19/3240193 (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) - Decided - 09/04/2020.

20/0172/COND - Discharge conditions 09 (Resurfacing of access road) and 10 (Site Management Plan) of planning consent 19/0276/NCC granted on appeal reference number APP/K6920/A/19/3240204 (Vary Condition 6 (Hours of operation) of planning consent 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to extend the hours of operation for utility providers) - Granted - 20/04/2020.

20/0260/FULL - Construct canopy over existing farm yard area - Granted - 08.07.2020.

20/0293/FULL - Carry out engineering works to provide a lagoon and associated works and infrastructure - Granted - 08.07.2020.

20/0479/FULL - Carry out engineering works to provide agricultural improvement work - Pending.

20/0592/CLPU - Obtain a Lawful Development Certificate for proposed development to increase flue stack height on CHP units - Granted - 15.10.20.

20/0702 - Enable the retention of, and proposed extension to, quarry operations including new drainage systems and settlement ponds, landscape bunds and associated works and a site restoration scheme - Pending.

20/0937/FULL - Erect extension to existing milking parlour to provide covered feeding area -Pending.

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 adopted Local Development Plan.

Policies: The following policies are relevant to the determination of this application: CW2 (Amenity), CW4 (Natural Heritage Protection), CW5 (Protection of the Water Environment), CW15 (General Locational Constraints), CW22 (Mineral Safeguarding Areas), CW23 (Minerals site buffer zones), and NH1.3 (Special Landscape Areas).

NATIONAL POLICY Planning Policy Wales (PPW) Edition 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? Not Applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within the coalfield and the Coal Authority has been consulted.

CONSULTATION

Mr R Jones - Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

Landscape Architect - Following clarification on the siting of the extensions no objections have been raised to the development.

CADW - No response received.

Glam/Gwent Archaeological Trust - No objections.

Chief Fire Officer - No response received.

Health & Safety Executive - No response received.

Transportation Engineering Manager - No response received.

Head Of Public Protection - Environmental Health have no objections to the above application

Ecologist - No objections, recommends Ecological Enhancement be secured through the imposition of a planning condition.

The Coal Authority - No objections.

Senior Engineer (Land Drainage) - The Land Drainage Officer has confirmed that Sustainable Drainage (SAB) approval is required for the development and requests further information submitted on compliance with SAB. Advises the site is situated within an area susceptible to groundwater flooding and the site is situated within an area susceptible to surface water flooding.

Dwr Cymru - No objections raised.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notices, a press notice and neighbour notification letters.

Response: 5 objections have been received.

Summary of observations: - Objection to all/any planning applications for the wider site
- Objection in terms of noise/dust/odour/nuisance from the Bryn Group's activities
- Objections in relation to the quarry extension.

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?

It is not considered that crime and disorder will be materially affected by the development.

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: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations in this case are the principle of the development, the impact on amenity of the surrounding area, the visual impact, including impact on the Special Landscape Area, and any impact on the mineral safeguarding area and mineral site buffer zone.

Principle of the development (Policy CW15 - General Locational Constraints)

The site is outside settlement boundaries but it is entirely within the existing facility and there is no conflict with policy CW15.

Amenity (Policy CW2 Amenity)

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 is to provide extensions to existing structures within the site to improve the existing ways of working and does not have a material impact in terms of dust, noise or traffic so the impact on surrounding residents is considered acceptable. It is compatible with the surrounding land uses and is in accordance with policy CW2.

Visual Impact (Policies NH1 Special Landscape Areas and SP6 Placemaking)

The site is within NH1.3 Mynydd Eglwysilan Special Landscape Area (SLA). The explanatory text supporting Policy NH1 states that the SLA will be protected from any development that would harm its distinctive features or characteristics but highlights that the policy is not designed to preclude development. Policy SP6 relates to matters including design, impact on natural heritage and use of land.

The proposed extensions relate to existing built structures on the site. The extensions are generally lower or the same height and form as the buildings they seek to extend. In one case there would be increase in the eaves and ridge height of a building by around a metre in height. Existing landscaping provides some screening to the development and where views of from outside the site are possible, the extensions will be seen in the context of the existing built development at the site. The site is elevated above the surrounding area, particularly in relation to land to the south and parts of the site can therefore be viewed at distance from the surrounding area. It is considered appropriate that a Landscaping condition is imposed to strengthen existing planting to mitigate for the increased massing of the extensions.

It is considered that the proposed development would have an acceptable visual impact on the character of the area (including on the Special Landscape Area designation) subject to agreement through planning condition for additional landscape screening to strengthen and enhance the existing screening.

Mineral Safeguarding Area (CW22)

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

The site is within sandstone and coal safeguarding areas. Since the Local Development Plan was adopted there has been a change in national policy in Planning Policy Wales (PPW) in that local planning authorities are no longer required to safeguard coal resources. PPW advises that Coal powered generation is being phased out at a UK level and moving away from fossil fuel for use in energy generation.

National policy takes precedence and, therefore, the coal safeguarding area is not an issue in this case.

As regards the sandstone safeguarding area, future development of the resource is already constrained within the application site due to existing built development. The proposed development would materially alter this existing constraint and there is no conflict with policy CW22.

Mineral Site Buffer Zone (CW23)

The site is partially within the buffer zone for Bryn quarry, which is also under the control of the applicant company. Within buffer zones neither new sensitive development nor mineral development will generally be permitted to prevent conflict between the two uses. In this case the proposed development is not for the winning and working of minerals and cannot be classed as sensitive development. The proposal would not, therefore, increase conflict between land uses within the buffer zone.

National policy and Guidance (PPW, TAN21)

National policy is generally supportive of proposals to increase recycling rates and avoid waste being sent to landfill, provided that there are no unacceptable amenity or environmental effects. The proposed development would improve the safe and efficient working of an existing permitted waste management facility. The amenity impacts are discussed above and have been found to be acceptable. No significant environmental impacts would arise from the proposed development, based on the responses from consultees.

Highways (CW3)

The information submitted with the application explains that the proposed extensions to existing buildings would not result in the overall site processing more material than is presently received at the site as regulated by the relevant Environmental Permits, but rather enables it to be processed more efficiently. The application documentation also states there will be no increase in vehicle movements to or from the proposed

development. It is therefore considered that the development accords with Policy CW3 (Highways).

Comments from Consultees:

The Land Drainage Officer has confirmed that SAB approval is required for the development and requests further information be submitted on compliance with SAB prior to determination. In this instance the extensions will be constructed on existing areas of hardstanding within the site and as advised by the Land Drainage Officer separate approval is required under the SAB regulations. It is therefore considered appropriate that the applicant will be made aware of the Land Drainage Officer's comments and an informative note highlighting the need for separate SAB approval should be added to the permission.

Comments from public:

Objection to all/any planning applications for the wider site.

- It is noted that in the determination of planning applications it is the proposals comprised within the application which are required to be assessed rather than a general determination made in terms of all future development. However in assessing this application the cumulative impacts of the proposed development, taking into consideration the existing operation at the site has been assessed and it is considered that the extensions proposed would have an acceptable impact on amenity given the existing operations at the application site.

Objection in terms of noise/dust/odour/nuisance from the Bryn Group's activities

- The proposed extensions to buildings are not considered to have a material impact on either noise, dust, odour or nuisance arising from the site as the applicant has indicated that the works will not lead to an increase in the volume of materials being brought onto site but the works are identified as being required for reasons of efficiency for the existing recycling operation.

Objections in relation to the quarry extension.

- It is noted that objections have been made in relation to the extension to the quarry at the site and reference in objections is made to an online petition against the expansion of the quarry application. It is noted that the quarry extension does not form part of this application and a separate planning application (20/0702/FULL) is currently under consideration by the Local Planning Authority and will be reported to Planning Committee in due course. It is therefore considered that objections specific to the quarry are not material to the consideration of this application and will be considered under the separate planning application reference 20/0702/FULL.

Other material considerations: The development would not affect the setting of the Listed buildings on site noting the position of the extensions proposed as there are existing parts of the recycling buildings/infrastructure closer to them.

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.

The proposed development is considered to have an acceptable impact in terms of the visual impact on the character of the area with suitable mitigation to strengthen existing screening being provided through the proposed Landscaping condition. The impact on the residential properties that are within the local area is acceptable and there will not be an adverse impact on the highway network. The application is recommended for approval accordingly.

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 shall be carried out in accordance with the following approved plans and documents:
 - Site Location Plan, drawing reference BRL-WYD-2020-001;
 - Proposed Site Plan, drawing reference BRL-WYD-2020-007;
 - Enlarged Proposed Site Plan, drawing reference BRL-WYD-2020-008;
 - Enlarged Proposed Site Plan drawing reference BRL-WYD-2020-009;
 - Proposed Floorplan, drawing reference BRL-WYD-2020-010;
 - Proposed Elevation plan, drawing reference BRL-WYD-2020-011;
 - Proposed Elevation plan, drawing reference BRL-WYD-2020-012;
 - Proposed Elevation plan, drawing reference BRL-WYD-2020-013;
 - Proposed Elevation plan, drawing reference BRL-WYD-2020-014;
 - Proposed Floorplan plan, drawing reference BRL-WYD-2020-016;
 - Proposed Elevation plan, drawing reference BRL-WYD-2020-017;
 - Proposed Elevation plan, drawing reference BRL-WYD-2020-018.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
REASON: In the interests of the visual amenities of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 04) The extensions hereby permitted in each case shall not be used for any other purpose than the approved use of the respective building they are physically attached to and shall be operated in the same manner as the building they are attached to.
REASON: To define the scope of the permission.
- 05) Prior to first use of the developments hereby approved, 3 No. Swift boxes shall be erected at the highest position available on one of the new extensions. The boxes shall be retained in situ for a minimum of 10 years.
REASON: To provide nesting for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 06) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

WARNING:

SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk.

Website: www.caerphilly.gov.uk/sab

Please find attached the comments of The Land Drainage Officer, Coal Authority that are brought to the applicant's attention.