

Application Number: 22/0251/RET

Date Received: 18.05.2022

Applicant: Lanes Recovery Ltd

Description and Location of Development: Retain the change of use from manufacturing to vehicle recovery and storage - Lanes Recovery Ltd The Sidings Building St Cenydd Road East Trecenydd Caerphilly

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: Lanes Recovery Ltd The Sidings Building St Cenydd Road East Trecenydd Caerphilly CF83 2RP.

The application site is located to the East of Orchards Poultry Farm, Station Terrace, and St Cenydd Road (B4263). The Nant-Yr-Aber Watercourse and SINC travels to the South of the application site, with the A468/9 travelling to the East. A wider residential area, comprising of multiple spine roads connecting to the northern section of the B4263 is set to the North. Properties set along the south-eastern end of Thomasville and southern limits of Ty Nant border the application site, along with the Allotment gardens at Energlyn Terrace.

Site description: The application site incorporates a large parcel of land surrounding a well-established industrial unit known as 'The Sidings Building'. The site was formerly utilised as a steel fabrication/manufacturing plant (circa 1996 to late 2000's) managed by Zonner Industries. The site has been occupied since 2019 by Lanes Recovery Ltd, an automotive business providing towing services for damaged vehicles, domestic and commercial.

The primary access to the site is via a vehicle access lane off St Cenydd Road (B4263) to the west, proximate to its connection with Station Terrace. The access track divides into two paralleling tracks 'North' and 'South' at a point approx. 110m's from the end of a length of surfaced 'highway' and approx. 150m from the junction with Station Terrace/ St Cenydd Road. Both tracks are secured by a gated access, comprising lockable industrial style security gates and palisade security fence. The principal track, travels southeast, diverting down the upper 'profiled' bank of the site into a large concrete forecourt at the front of the 'The Sidings Building'. The smaller, secondary track skirts along the upper gradient of the slope, travelling easterly across the breadth of the site along the northern site perimeter. This provides access to a vehicle storage area (HGV storage), abutting a parcel of vegetation that backs on to properties along Ty Nant and beyond into a rear service/storage yard completed in gravel.

Development: Planning permission is sought to retain the change of use from manufacturing to a vehicle recovery and storage facility.

Dimensions: The site area is approx. 1.8Ha with 'The Sidings Building' occupying a footprint of 0.20Ha (2000m²) as per Drawing No. PP-02 Site Location Plan. Around 50% of the site is hard surfaced (concrete, stone/gravel chippings, or compacted matter) provisioned to accommodate vehicles and for outdoor storage (B8 Use class).

Materials: 'The Sidings Building' is a purpose-built industrial unit with a rectangular form, a higher profile at the rear and a smaller, low-profile projection at the front. The building is constructed from corrugated profile sheeting. The external element of the site comprises a concrete yard with accompanying areas of compressed/compacted stone chippings and a larger gravel hardstanding to the rear of the building.

Ancillary development, e.g. parking: To the front of 'The Sidings Building' is a Concrete service yard to be retained with a HGV parking and turning area, HGV storage area along the northern site boundary and gravel hardstanding to the rear of the building.

PLANNING HISTORY 2010 TO PRESENT None.

POLICY

LOCAL DEVELOPMENT PLAN: Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site lies within the defined settlement boundary of Caerphilly.

Policies: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), SP21 (Parking Standards), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design Considerations: Highways), CW5 (Protection of the Water Environment), CW6 (Trees, Woodland and Hedgerow Protection) and CW15 (General Locational Constraints).

Supplementary Planning Guidance: Further guidance can be found in the Council's supporting Supplementary Planning Guidance:

LDP4 - Trees and Development (January 2017): Trees, woodlands, and hedgerows (hereafter 'trees') are an important part of rural and urban environment. The successful integration of existing trees as part of a development will enhance the landscape character of the area and the development, soften and screen buildings, enhance biodiversity, filter air, noise and light pollution, reduce soil erosion and provide a valuable resource in climate change terms. Caerphilly County Borough Council aims to ensure that the successful integration of existing trees and new planting as part of development proposals is encouraged as best practice.

LDP5 - Car Parking Standards (January 2017): The application of parking standards enables a transparent and consistent approach to the provision of parking facilities associated with new development and change of use. This Supplementary Planning Guidance (SPG) identifies how the CSS Wales Parking Standards (2014) will be applied across Caerphilly County borough.

LDP6 - Building Better Places to Live (January 2017): The main purpose of this SPG is to improve the standard of design in residential development, regardless of its size and location. Caerphilly County Borough Council (CCBC) is committed to achieving good design, as is the Welsh Government (WG). Good design is a key aim of the Planning System. Planning Policy Wales (PPW), Edition 11, 2021, requires that Local Development Plans (LDPs) provide clear policies setting out a local authority's design expectations in connection with Technical Advice Note (TAN) 12: Design, 2016, which offers advice to local planning authorities on how design may be facilitated within the planning system.

The above SPG provides further information and guidance to clarify the policy aims described in the following appraisal of these proposals. The document has been formally adopted by the Council on the date specified above, which followed appropriate public consultation exercises and stakeholder engagement carried out to inform the content of the SPG. It is considered appropriate to have regard to the content of the SPG given it is fundamentally aligned to LDP Policy; it is consistent with national guidance and overarching principles of Placemaking [PPW] and ultimately it provides useful guidance to confirm how the Council considers the LDP Policy aims, and objectives should be interpreted.

National Policy: Future Wales - The National Plan 2040 (February 2021) sets out the spatial strategy for Wales for the next 20 years and provides Policies that should be considered in the determination of applications at all levels, coinciding with Planning Policy Wales (Edition 11) adopted February 2021.

Technical advice notes (TANs) provide detailed planning advice. The following have been considered when assessing this proposal:

TAN 5: Nature Conservation and Planning (2009).
TAN 12: Design (2016).
TAN 15: Development and Flood Risk (2004).
TAN 18: Transport (2007).

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 predominantly lies within a Coal Mining Development Referral Area (2022) - Development Low Risk Area. Parts of the site reside above (Caerphilly CBC Local Development Plan November 2010) an SCR8, Secondary Coal Resource. Given the physical aspects of the development have been present across time, with the operations well established, these structures and/or use present no further concerns with respect to coal mining conditions in this area. Standing advice will be made available to the applicant.

CONSULTATION

CADW - No comments submitted.

Transportation Engineering Manager - CCBC - No comments submitted.

Environmental Health Manager have no adverse comments to make with regards to the above planning application.

Health & Safety Executive - No comments to make regarding this application.

CADW - No comments submitted.

Estates Manager - No further comments.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of neighbour notification letters issued to properties along Thomasville Penyrheol on 6th May 2022. The public consultation period expired on 29.06.2022, however any comments received to the date of finalising this officer report have been included.

Response: 3 No. representations have been received, all of which OBJECT to the proposal. In this instance, although separate submissions, all representations are from one individual.

Summary of observations: The key objections are summarised below:

1. Large scale groundworks have been completed across recent years, with earth deposits to rear of the main factory unit. It is unclear where this landfill came from or what permissions were granted for these works.
2. Significant trees and hedges adjacent to the site have been cleared many times. Area of land was cleared of greenery to provide HGV parking, directly against the remaining hedgerow backing onto Ty Isaf Bungalows.
3. Little vegetation left along the boundary (Northern site boundary) provides minimal screening to residents of HGV vehicles parked in this area. Every effort should be made to retain/restore greenery on this site to its former standard.
4. Application states opening hours are 9am-6pm, this is incorrect as operate 24/7.

5. Noise disturbance to surrounding residents.
6. Car Wash Centre on adjacent land was refused due to the impacts upon residential amenity.
7. Substantial earthworks since 2018 with no planning consents.
8. Lanes Recovery are already unlawfully operating.
9. There is a detriment to pedestrian safety due to large vehicles entering and existing this site, with constant obstruction of footway and highway. Therefore, some clarity needs to be provided on how the use of this site by these vehicles is compatible with the Safer Routes to School works and the Government's support of Safer Active Travel Routes for school children.
10. Size of vehicles entering the site is not safe for road users or pedestrians: Heavy duty tow trucks towing 56-seater coaches and articulated lorries. Most days there are double decker transporter lorries, often carrying between 6 and 8 vehicles at a time manoeuvring a small junction.
11. Consideration should be given to refusals of historical applications.

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 development and uses in themselves do not raise any concerns in this respect, but should permission be granted, the applicant would be advised to contact the Police to discuss Secure by Design principles for incorporation into the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case. If appropriate, conditions to secure Biodiversity Enhancement(s) in accordance with Part 1 Section 6 'Biodiversity and resilience of ecosystems duty' of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (Edition 11, February 2021) and Technical Advice Note 5: Nature Conservation and Planning (2009) can be applied.

All Public Bodies, including Caerphilly County Borough Council have a legal obligation under the Environment (Wales) Act 2016 to conserve and enhance biodiversity. These are actions we take directly and through those actions which we consent.

Planning Policy Wales (Edition 11, February 2021): Section 6.4 places a duty on local authorities to ensure that biodiversity and resilience are fully considered by Local authorities. Particular reference is made to The Section 6 Duty (Environment Act) to ensure that planning authorities demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. Protected Species under European or UK legislation, or under section 7 of the Environment Act are a material consideration when a planning authority is considering a development proposal

which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. (Section 6.4.22).

Future Wales - The National Plan 2040: Policy 9, states that action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment. In that regard biodiversity enhancements can be sought as part of this development through any additional landscaping proposals required if the development is considered acceptable in all other areas.

Technical Advice Note 5: Nature Conservation and Planning: Section 6.2.1 states, the presence of a protected species is a material consideration when a local planning authority is considering a development proposal, that, if carried out, would be likely to result in disturbance or harm to the species or its habitat. Further to this, Section 6.2.2 highlights, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.

The Environment (Wales) Act: became law on 21st March 2016 and replaces the Natural Environment and Rural Communities Act 2006. It puts in place legislation to enable Wales's resources to be managed in a more proactive, sustainable, and joined up manner and to form part of the legislative framework necessary to tackle climate change. The Act supports the Welsh Governments wider remit under the Well-Being of Future Generations (Wales) Act 2015 so that Wales may benefit from a prosperous economy, a healthy and resilient environment, and vibrant, cohesive communities. Caerphilly County Borough Council as a public body has obligations under section 6 of the Environment (Wales) Act 2016 to demonstrate how the Local Authority will "seek to maintain and enhance biodiversity in the proper exercise of their functions and in doing so promote the resilience of ecosystems."

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The lawful use of the development would fall under a Sui generis/Unique Use and B8 Storage or distribution - Use for storage or as a distribution centre (inclusive of open-air storage) by virtue of the Town and Country Planning (Use Classes) Order 1987 (as amended). In that respect the development would not be CIL Liable as the Commercial Development CIL Rates is equivalent to £0.

Further information with respect to the Community Infrastructure Levy (CIL) can be found within the Caerphilly County Borough Council Community Infrastructure Levy Charging Schedule (Adopted 2014). The council resolved to approve the Charging Schedule at a meeting of the Full Council held on 10 June 2014, with an implementation date of 1 July 2014. The chargeable amount will be calculated at the time planning

permission first permits the chargeable development in accordance with the formula set out in Regulation 40.

ANALYSIS

Technical Advice Note 15: Development And Flood Risk (July 2004)

Part of the site, notably the southwestern region, in a band from the north-south perimeters (approx. 0.25Ha) lies within a recognised TAN 15 (Development Advice Map - February 2021) categorised Zone B flood zone. The area is prone to flooding because of its proximity to the Nant Yr Aber watercourse which travels to the south. The immediate floodplain also features ponds, a natural sink (east of the application site) and a small fissure within the vicinity which travels northward, paralleling with the shared boundary with Orchards Poultry Farm.

Planning Policy Wales (PPW) section 6.6.22 (Development and Flood Risk):

Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes, and these factors should be considered at an early stage in formulating development proposals.

Furthermore, section 6.6.25 of PPW specifies, "development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself". At this site the floodplain has been obstructed for some time via the installation of a concrete yard within the identified flood zone. PPW (section 6.6.27) suggests, there may be scope to control surface water run-off near to flooding sources with the possible incorporation of SuDS into existing infrastructure, as such sustainable development can be achieved in line with overarching PPW aims.

With respect to the guidance within TAN 15, Zone B areas are classified as, "Areas known to have been flooded in the past evidenced by sedimentary deposits". Concerning these sites the precautionary framework should be used as part of a precautionary approach to indicate where site levels should be checked against the extreme (0.1%) flood level. Section 5 of TAN 15 (Nature of development or land use) discusses the need to identify the vulnerability of different land uses to flooding and as such, the proposal would fall within the "less vulnerable development" category. Section 6.2 of TAN 15 stipulates, "New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue". As flooding has been identified as a material consideration to allow for localised problems (Zone B), the tests outlined in section 6 of TAN 15 are relevant. With respect to parts i-iv of the test, it would be most appropriate to consider this proposal against the following:

"Development, including transport infrastructure, will only be justified if it can be demonstrated that: (iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW page 37, Chapter 6); and, (iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable."

With respect to the above, the development classifies as less vulnerable development, meeting the test outlined in section 6. With respect to part (iii); "previously developed (also known as brownfield) land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure." With respect to the application site, this definition is satisfied, likewise the proposal seeks 'retention-of' existing developments. In conjunction, it can be concluded that flooding is already appropriately managed, with scope for enhanced flood defences, such that the development broadly concurs with the aims of PPW. Thus, the justification will be in the knowledge that this development will flood and will need to be planned accordingly. Section 7.2 states "whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed, including its effects on existing development". Considering the tests outlined in sections 5, 7 and Appendix 1; the development is considered acceptable, satisfying criterion (iv).

Policies: Verified by planning history at this site, historically the site has accommodated a working steel fabrication unit with ancillary office facilities operated by Zonner Industries. The LPA has considered several pre-applications, inclusive of a Proposed ice-skating business, Proposed B2 Use and Proposed recycling operations. However, none of these uses have been prolific. The site precinct and primary industrial 'unit' known as 'The Sidings Building' has been occupied by Lanes Recovery Ltd since a tenancy commenced in May 2019. Lanes Recovery has reached a degree of maturity as a business, such that it employs 35 people fulfilling a variety of roles. Whilst the storage and BAU (business as usual) running of the business operates 9am to 6pm Monday to Friday, the vehicle recovery missions, and its control-room operates 24 hours.

This application seeks to retain the change of use from manufacturing to vehicle recovery and storage (*sui generis*). Attention is drawn to the Proposed Site Plan (Drawing No. PP01, dated March 2022), this depicts that the warehouse unit exists as the 'core' structure occupying a footprint of approx. 2040sqm, housing a workshop and specialist storage area. The site also accommodates an enclosed 'outdoor' secure compound (storage use), concrete yard (inclusive of parking and turning facilities) and HGV storage and parking areas.

The main issues to discuss relate to the principle of the proposed use on this site, the proximity of the development to residential properties and the potential detriment this

specific use could pose to the residential amenity of these occupants and how the operations could adversely impact highway safety.

The area surrounding the industrial unit is largely flat, with the wider land sloping downward from the North, towards the lower-lying watercourse and from west-east with few natural landforms. The land appears to have been profiled in parts, to create level plateaus with underlying banks across areas of higher gradients. Only the existing buildings, industrial/commercial yards, and associated paraphernalia (e.g., waste storage containers) appear to break up the historic homogeneity of the site. It is likely the scale of the scrapyards sited to the front and rear of the building have evolved over several years, increasing in scale to accommodate the change in use. Aerial photography reveals that between 2016 and 2018 the rear gravelled hardstanding area became more established, with some works to the upper track. This gravel area does not appear to have been used for any designated purpose with no notable artefacts. In July 2021 the HGV storage area along the northern site boundary can be seen in situ, with salvaged vehicles being stored in the lower yard. The concrete forecourt (in situ since before 2000) is now, evidently occupied by staff and recovery vehicles.

LDP Policy SP6 (Placemaking) seeks to ensure that development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features. Criteria A-D secure an appropriate mix of uses that reflect the role and function of settlements, a high standard of design that reinforces attractive qualities of local distinctiveness and a location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all, amongst other aims. As this development is existing, connects with existing infrastructure/networks and involves no structural changes, the proposal predominantly centres around the acceptability of the change-of-use of the site. Thus, the proposed land use must be suitable and result in no greater visual detriments, whilst weight is still given to the material considerations of this policy.

The site is seen in long-range vistas from the heights of the A468, although a degree of screening is offered by mature vegetation adorning the eastern site perimeter. In summer months, the quality of this vegetation and mature tree canopy serves to largely screen the development. However, the gravelled area is sizable and thus, a distinguishable land feature at higher vantage points. Likewise, this area benefits from screening to the north and south boundaries, with the allotments and wooded parcels set beyond. In order to prevent further industrial/urban encroachment onto this land and to preserve the current levels of visual amenity at the east of the site, it would be appropriate to apply a planning condition restricting the use of this area, e.g., limited to appropriate and 'contained' B8 storage only and no storage of car scrap/wrecks etc. Likewise, the tree/vegetation density to the circumference of this area needs to be protected in the interests of visual amenity.

Numerous mature trees are depicted along the Northern site boundary, and from land level, it is conceivable that this vegetation is existing, although in parts its density is lessened, notably towards the west of the boundary. This is based on the reducing

wealth of this vegetation since circa 2013 and as it presents today; scrubby in segments, notably at lower percentiles where natural/man-made erosion is possible. Historically this 'green parcel' was larger, with landscaping engulfing the upper track with an absence of any HGV parking in this locale. Gradually this vegetation has been cleared back, creating an embankment (in part) lessening the green buffer between the site and residential properties along Ty Nant. However, the quality of this vegetation cannot be concluded from aerial imagery. It is evident that this area first appears barren in 2016, when the site has appeared vacant for some time (since 2013); potentially there was mass clearance as the use ceased and the area became overgrown.

Regardless, from the time Lanes Recovery have commenced their tenancy, the landscaping has changed in diminutive amounts. In any case, an adequate degree of screening is afforded to the site from the limits beyond the formal site entrance and along the residential boundary. In this more immediate site context, the development is largely screened. Limited glimpses are possible from St Cenydd Road East and during winter months, potentially from No 51-52 Thomasville. However, these would be short-range views across areas more open to the public realm from the highway.

Given the above, with respect to visual amenity, the natural landscape has not evolved greatly from the way the site was left at the closure of the former industry. The impacts are introduced by the storage of salvage and vehicles in these formerly 'open' zones. However, with suitable control of parking and storage, the impacts may be mitigated, in addition to a landscaping scheme to revitalise the existing hedging/trees along the northern boundary. In terms of the local context, the site is sandwiched between the A469 and Orchards Poultry Farm, with a degree of geographical segregation from high density residential development.

The adjoining site is also characterised by large scale industrial/commercial buildings with associated surface car parking. Within this context it is not considered the development of the site for vehicle recovery and storage, would result in any significant visual impacts, particularly given the site has presented similar aesthetics across time, with marginal changes in the last 5-7 years. The plans indicate the provision of palisade style fencing and steel style security gates. This type of fencing is not considered to be unacceptable in visual terms in this context. In light of the above, in visual terms, the proposed development is considered to be appropriate to its local context and is therefore considered to be in accordance Policy SP6 (Placemaking) of the LDP. This change of use proposal will not fundamentally alter the commercial character of either the site or its surroundings and any impact would be contained within the described context. However, it is noted that the application site lies within close proximity to residential properties (20m), between which there is a third-party operated industrial yard. Policy CW2 relates to amenity and states that development proposals should have no unacceptable impact on the amenity of adjacent properties or land; would not result in over-development of the site or its surroundings; the proposed use is compatible with surrounding land uses; and the viability of existing neighbouring land uses would not be compromised by virtue of the proposed use.

With respect to criteria B to D of Policy CW2, given the history of the site, long established industrial use, degree of highway connectivity and re-use of existing structures and hard landscaping, the proposal accords with these objectives. The new use would fall under a Sui Generis and B8 - Storage or distribution use class, a change of use from the historic B2 General industrial, and in planning terms is considered acceptable.

In terms of the potential impact on nearby properties, it is noted that the nearest residential properties are those on Ty Nant, located to the north of the application site. These properties are some 20m away with a considerable landscaping buffer in-between. In any case, the closest activity involves the static parking of HGV vehicles, with some sporadic manoeuvring of parked vehicles to an isolated area at the furthest point from the northern boundary. As discussed within PPW it is essential to Understand and Identify the Sources of Airborne (Air and Noise) Pollution and strategies to mitigate future sources of pollution should be considered. Normal BAU operations will cease at 6p.m. on weekdays and across weekends. Although the vehicle recovery is a 24-Hour operation, these comings/goings are likely to be intermittent. Sounds may be omitted from recovery vehicles between unsociable hours (11pm to 6am), such as engine noises, gates opening and closing and rattling/banging of equipment. It is noted that the only gates are to the west of the site, and these could easily be left open or manned to allow a smooth ingress/egress. In any case, vehicles are residing within the building and its compound some 60m from these properties. Although sounds may carry, as discussed, the level of noise would not be consistent across the night, nor likely to be at decibels to cause significant local disruption.

In this case, the Council's Head of Public Protection has raised no concerns with respect to noise levels at this site, such that it is not considered that the change-of-use would result in any exacerbated noise levels, such that the occupants along Ty Nant would suffer any additional detriment to residential amenity. HOPP also make no further adverse comments with respect to air, water or ground pollution and/or contamination. On this basis it is not considered that the proposed storage building and associated storage use will detract from residential or visual amenity to a degree to warrant a refusal of planning permission. The objectives of policy CW2 are largely gratified and with the addition of planning conditions to control the storage/parking of HGV vehicles, and hours of operations, there are no overriding planning concerns.

Policy CW3 relates to highway safety, and states that development proposals should have regard for the safe, effective and efficient use of the highway network. This policy works in tandem with Policy SP21 (parking standards) and LDP5: Parking Standards. In addition, PPW (Location of Commercial, Industrial, and other Potentially Polluting Development) specifies in section 6.7.16, that a relevant consideration is the "impact on the road and other transport networks, and in particular on traffic generation, particularly where the proposed development is not transport infrastructure itself."

In this case, the site benefits from a private access from the end of St Cenydd Road East, of a width that can comfortably accommodate passing vehicles, or allow for

vehicles to utilise a passing-bay. This track is frequented by cars and larger vehicles including tow trucks and HGV's. St Cenydd Road East only serves the application site and some external parking compounds, no other extant planning consents exist for industrial or commercial uses along this stretch of highway. The junction with Station Terrace is demarked with double yellows on both curves to prevent obstruction from parked vehicles and for clear movements onto the B4263. There is no reason as to why a driver's visibility would be obstructed such that they would not have a clear vision of the footway and highway. In any case, the scale of vehicles and No. of vehicles frequenting the site is unlikely to be dissimilar to those servicing the former manufacturing plant. The council's Transportation Engineering Manager has not submitted any comments in relation to this proposal, although given the ample No. of on-site parking provisions, designated vehicle turning/manoeuvring areas and layout of access roads, there are no obvious policy conflicts.

Lanes Recovery Ltd currently recruit 35 employees, with a workforce comprising of a number of individuals residing in local communities. Hence, there are clear economic benefits as a result of the proposal. PPW and TAN 23 (Economic Development) provide definitions of economic development and its associated benefits, which are as follows:

Economic development is development (new or change of use) where the resulting space will be occupied by economic activities.

An economic activity, or economic land use, is an activity which directly generates wealth (output), jobs and income.

Generating jobs includes providing or sustaining existing jobs as well as creating new jobs.

Considering the above, the use assures the latter. Section 1.2.1 of TAN 23 highlights, "The economic benefits associated with development may be geographically spread out far beyond the area where the development is located. As a consequence it is essential that the planning system recognises, and gives due weight to, the economic benefits associated with new development." Furthermore, PPW advises that planning for economic land uses should aim to provide the land that the market requires, unless there are good reasons to the contrary. Where markets work well, this will help maximise economic efficiency and growth. As Lanes has been successfully operating since 2019, with continued success, the market clearly requires the service. The economic benefits significantly outweigh the risk of disabling this use and seeing a large industrial site return to a vacant status with a loss of 35+ jobs. The proposal will make a contribution to the local economy in terms of the service it is to provide to the local and wider economy, together with the level of employment it will generate. Notwithstanding the economic benefits, it is still recognised that a balance must be struck between the economic, social and environmental considerations associated with this proposal.

With respect to the environmental impacts of the development, the site lies immediately adjacent to the heavily trafficked A468 in a largely urbanised part of the Borough. Although not directly affected by any landscape or nature conservation designations, LDP SINC (Site Importance Nature Conservation), NH 3.156 Nant Yr Aber River is set

approx. 45m from the southern boundary, and surrounds the small river fissure running north, which comes into contact with this site perimeter. At present there is no evidence of encroachment from the development beyond this border, or into habitat adjacent to the SINC. However, it is recognised that SINC's are an important biodiversity resource covering significant areas of priority habitats and species.

Site-specific level biodiversity is likely to be poor, given the habitat comprises hard surfacing and limited vegetation with a high degree of human interference, noise levels and lighting. In this circumstance, wildlife is likely to rely on the vegetation lining the borders of the site, using mature trees for nesting. The proposal does not include the removal of any of this vegetation and the protection/re-planting of deciduous planting can be secured via planning conditions. The applicant also proposed biodiversity enhancements at the site, inclusive of bat box in the east facing apex of the building, under the eaves and affixed to mature trees at the north. This would be a suitable measure to ensure that suitable nesting is available for any foregoing/commuting bats and nesting birds.

In conclusion the above assessment demonstrates that the objectives of Future Wales, PPW and LDP Policy can be adequately achieved. Therefore, it is recommended that permission be GRANTED subject to conditions including, amongst other matters: submission of a suitable landscaping scheme to rejuvenate the density of deciduous planting/trees along the northern site boundary, parking and turning areas for HGVs are to be strictly controlled in accordance with the approved site layout plan, no imported materials, salvaged material, vehicles or waste shall be stored on the gravel area at the rear of the site, unless otherwise agreed in writing with the LPA, restricted hours of operation and a scheme for the parking and turning of vehicles with the building forecourt.

Comments from Consultees: No objections have been raised by consultees.

Comments from public: Comments as outlined within the 'Summary of Observations' section of this report are addressed in turn below:

1. Large scale groundworks have been completed across recent years, with earth deposits to rear of the main factory unit. It is unclear where this landfill came from or what permissions were granted for these works, as such there is potential contamination at this site.

The landscape has changed across time, and this has been discussed within the main body of the report. The Council is not aware of any contamination at the site. It does not appear as though tipping has been an issue at this site. Moreover, given the industrial use of the land, the risk to the wider population of any potential contamination would be negligible.

2. Significant trees and hedges adjacent to the site have been cleared many times. Area of land was cleared of greenery to provide HGV parking, directly against the remaining hedgerow backing onto Ty Isaf Bungalows.

The removal of landscaping has been discussed within the officer report. The Local planning Authority had no control over the removal of this landscaping. The proposal would not result in the loss of any further trees or vegetation along this boundary. The council is minded to apply a planning condition to secure a landscaping scheme to ensure the protection/restoration of planting along this perimeter.

3. Little vegetation left along the boundary (Northern site boundary) provides minimal screening to residents of HGV vehicles parked in this area. Every effort should be made to retain/restore greenery on this site to its former standard.

As above.

4. Application states opening hours are 9am-6pm, this is incorrect as operate 24/7.

The covering letter dated 15/03/2022 specifically states, "Whilst the storage and day to day running of the business operates 9am to 6pm Monday to Friday as the application forms, the recovery and its control room operates 24 hours". The application has been determined with the above hours of operation in mind.

5. Noise disturbance to surrounding residents.

The potential noise arising because of operations between antisocial hours (11pm - 6am) has been discussed within the report. General BAU noise has been considered and the potential impacts upon residential amenity has been assessed.

6. Car Wash Centre on adjacent land was refused due to the impacts upon residential amenity.

Each planning application is considered on its own merits.

7. Substantial earthworks since 2018 with no planning consents.

Although there may have been earthworks across time, it would not be expedient to take any planning enforcement action against these historic works. The applicant is seeking planning consent to retain the completed development, and this would remedy any breaches of planning control.

8. Lanes Recovery are already unlawfully operating.

If planning permission is granted, Lanes Recovery Ltd can continue their operations lawfully.

9. There is a detriment to pedestrian safety due to large vehicles entering and existing this site, with constant obstruction of footway and highway. Therefore, some clarity needs to be provided on how the use of this site by these vehicles is compatible with the Safer Routes To School works and the Government's support of Safer Active Travel Routes for school children.

Highway safety is discussed within the main body of the report with respect to LDP Policy CW3 (Design Considerations: Highways).

10. Size of vehicles entering the site is not safe for road users or pedestrians: Heavy duty tow trucks towing 56-seater coaches and articulated lorries. Most days there are double decker transporter lorries, often carrying between 6 and 8 vehicles at a time manoeuvring a small junction.

As above.

11. Consideration should be given to refusals of historical applications.

No historical planning applications have been refused at this site.

Other material considerations: None.

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.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan (PP02) dated 15/03/22 Existing and

Proposed Site Plan (PP01) dated 15/03/22 Existing and Proposed Block Plan (PP01) dated 29/03/22.

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 02) No commercial business operations other than the emergency recovery and/or storage of external motor vehicles shall be undertaken on the premises before 09.00 hours on weekdays, nor after 18.00 hours on weekdays, nor at any time on a Saturday, Sunday or Public Holidays.
REASON: In the interests of the amenities of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 03) No lorries shall leave or enter the site half an hour either side of opening and closing times of 09:00 to 18:00hrs Monday - Friday.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Within 3 months of the date of this approval a scheme for the improvement and maintenance of landscaping along the northern site boundary shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained, include areas of new native planting, and set out measures for their protection whilst the land-use, hereby permitted is continued at the site.
REASON: In the interests of preserving residential and visual amenities, biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009) in accordance with policies CW2, CW4, SP6 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of any vegetation or site clearance works, details of the retention, protection, translocation and replacement of hedgerows within the site, including where necessary their method of translocation or species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and any replacement hedgerow shall be planted within 12 months of the completion of the development.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009) in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 06) Within 2 Months of the date of this consent a scheme for all vehicle parking and turning spaces located within the area marked 'concrete yard' on drawing No. [PP]01 'Existing and Proposed Block Plan' to be surfaced and marked out shall be submitted for approval in writing by the Local Planning Authority. The area shall be surfaced and marked out in accordance with those details within 3 months of the date of their approval and shall not thereafter be used for any purpose other than the parking and turning of cars and recovery trucks.
REASON: To ensure that the development is provided with adequate car parking in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Within 2 Months of the date of this consent a scheme for all hgv parking located within the area marked 'concrete yard' on drawing No. [PP]01 'Existing and Proposed Block Plan' to be surfaced and marked out shall be submitted for approval in writing by the Local Planning Authority. The area shall be surfaced and marked out in accordance with those details within 3 months of the date of their approval and shall not thereafter be used for any purpose other than the parking and turning of cars and recovery trucks.
REASON: To ensure that the development is provided with adequate car parking in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) The area marked as 'Gravel Hardstanding' on Drawing No. [PP]01 'Existing and Proposed Block Plan', shall be left open as amenity land to accompany the host building, and shall not be used for the storage of any vehicles, materials or other paraphernalia associated with the permitted operations and/or land-use unless otherwise agreed in writing by the Local Planning Authority.
REASON. In the interests of preserving visual amenity and the existing character of the landscape with respect to Policy SP6 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.