

**Application Number:** 20/0316/COU.

**Date Received:** 13.05.2020.

**Applicant:** William Hare Group Limited.

**Description and Location of Development:** Change the use from B8 (Storage or Distribution) to B2 (General Industrial), external alterations (including replacement roller shutter doors) to enhance the acoustic performance of the building, confirmation of operational hours and ancillary works - Braithwaite Engineers Ltd Rowecord Building Commercial Street Newport Road Pontymister.

**APPLICATION TYPE:** Change of Use.

### SITE AND DEVELOPMENT

Location: The application site is located on the southern side of the B4591, Commercial Street, Newport Road, Pontymister.

Site description: A large steel frame structured building with a mono-pitched roof and metal profile external finishes erected in the 1960's as a warehouse for the storage and dispatch of steel sections and sheets. Large parking and circulation areas are located to the front of the building with storage areas to the rear adjacent to the Ebbw River.

The application site extends to 3.17ha and is bounded to the north by Newport Road, to the east by existing residential properties fronting onto Fields Road, to the south-west by the River Ebbw and Aldi food store beyond, to the north-west by the B4591 Pontymister link road and a vacant brownfield site (the former Birds Foundry) beyond. The Old Pontymister Bridge, a listed building, is located just beyond the southern extremity of the site off Fields Road. The vehicular access to and from the site is directly off Newport Road which provides access to the A467.

Development: Full planning permission is sought to change the use from B8 (Storage or Distribution) to B2 (General Industrial), external alterations (including replacement roller shutter doors) to enhance the acoustic performance of the building, confirmation of operational hours and ancillary works.

Dimensions: The internal footprint of the building will remain unchanged however the external footprint will change once the application of external cladding and sound insulation measures is applied to the existing elevations.

The Rw 54dB system consists of 100mm Rockspan Extra panel, 120mm cavity filled with 33kg/m<sup>3</sup> infill stonewool and 12.5mm Gyproc Soundbloc plasterboard. The Rw 47dB system consists of 2x no. 0.7mm profiled sheets with 240mm mineral wool infill in a 240mm void.

Materials: The external cladding comprises of Euroclad Profile in an Oyster Grey (RAL 7035) finish similar to the existing colour of the building.

Ancillary development, e.g. parking: The erection of car park barrier fencing and the insertion of new acoustic roller shutter doors to provide a lobby system on the southern elevation of the building.

## PLANNING HISTORY 2010 TO PRESENT

14/0635/COU - Change the use from B1/B2 industrial to B8 storage of motor vehicles associated with adjacent commercial premises, and erection of five-car garage, store and all associated works - Granted - 23.03.2015.

15/0087/COU - Change the use to industrial coating/painting of steel with associated assembly and storage (Use Class B2) - Withdrawn - 09.06.2015.

19/0485/CLPU - Obtain a Lawful Development Certificate for proposed extension to industrial unit - Granted - 02.08.2019.

## POLICY

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

Site Allocation: The application site is within the defined settlement boundary of Risca.

Policies: SP3 (Development Strategy in the Southern Connections Corridor (SCC)), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Placemaking), SP17 (Promoting Commercial Development), SP20 (Road Hierarchy), SP21 (Parking Standards), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design Considerations - Highways), CW15 (General Locational Constraints).

NATIONAL POLICY Future Wales: The National Plan (February 2021), Planning Policy Wales Edition 11 (February 2021), Technical Advice Note 11: Noise (October 1997), Technical Advice Note 12: Design (March 2016), Technical Advice Note 15: Development and Flood Risk (July 2004), Technical Advice Note 18: Transport (March 2007) and Technical Advice Note 23: Economic Development (February 2014) together with guidance contained within Section 14 of The Development Management Manual (May 2017), Section 14 Annexes: Enforcement Tools of The Development Management Manual (November 2016) and Welsh Office Circular 24/97: Enforcing Planning Control: Legislative Provisions and Procedural Requirements (December 1997).

## ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes in that some of the operations within the building fall within Schedule 2 Part 4 Production and processing of metals and the floor space is over 1000 square metres however it should be noted that the activity and associated processes within the building have been operational for a number of years and no new floor space is being created. Furthermore, an Enforcement Notice has previously been served on the land and buildings which permits a generalised B2 use for certain operational hours.

Was an EIA required? No.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not applicable given the nature of the application.

### CONSULTATION

CADW - Records show that there are no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development and therefore no comments are offered.

Environmental Health Manager - CCBC - Intensive consultation over a 32 month period between all parties has led this department to the recommendation of the conditions below to be imposed on any consent granted. The elongated consultation period was necessary to ensure that noise control was appropriately considered and that the principle criterion of policy CW2 is upheld to protect residential amenity going forward.

It should be noted that in the absence of any of the conditions this department would not be in a position to recommend approval of the consent applied for. For avoidance of doubt, the conditions are only suitable to be applied to this consent should the acoustic mitigation scheme be installed and verified prior to operating for the extended hours granted. It should also be noted that the consent is only considered as acceptable between the hours of 07:00-23:00 Monday to Sunday and that the department would continue to recommend refusal of the B2 use past these hours.

01. The development shall be carried out in accordance with the following approved plans and documents:

Dwg No. P2951 Site Survey Plan received on 24.04.2020;

Dwg No. WHL R 02 Future Proposed Layout received on 05.01.2023;

Dwg No. WHL R 03 Future Proposed Scheme 2022 Barriers received on 05.01.2023;

Report 5151/SNA1-R1 Risca Factory Source Noise Assessment dated 22.04.2020 and received on 24.04.2020;

Report 5152/NIA dated 07.04.2022 Noise Impact Assessment and received on 29.06.2022;

Report WHR001rev2 Noise Management Plan Acoustic Upgrade Proposals dated December 2022 and received on 05.01.2023.

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

02. No machinery shall be operated and no process shall be carried out at the site outside the following times:

07.00 hours to 23.00 hours Monday to Sunday.

REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

03. No external operations shall be undertaken, no external machinery shall be operated and no external processes shall be carried out, outside of the following times:

(a) 07.30 hours to 18.00 hours Monday to Friday;

(b) 08.30 hours to 13:00 hours on a Saturday; and

(c) No external working shall be carried out, no external machinery shall be operated and no external processes shall be carried out on Sundays or bank holidays.

REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

04. No deliveries shall be taken at or dispatched from the site outside the hours of:

(a) 07.30 hours to 18.00 hours Monday to Friday;

(b) 08.30 hours to 13:00 hours Saturday; and

(c) No deliveries or dispatches shall take place on Sundays or bank holidays.

Unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

05. Notwithstanding the submitted Noise Management Plan Report WHLR001rev2 dated December 2022 further details of measures to control the noise emanating from the premises shall be submitted for approval to the Local Planning Authority within two calendar months of the date of this consent. Details of this scheme shall include but shall not be restricted to the following:

(i) Procedures in relation to control of noise from plant/working methods;

(ii) Control of external noise;

(iii) Delivery Protocol;

(iv) Maintenance and repair of sound insulation scheme (building fabric and barrier systems);

(v) Procedure of dealing with noise complainants;

(vi) Application of alarm systems on pedestrian doors;

(vii) Staff training with regards to noise management;

(viii) Service request investigation procedure; and

(ix) Control of site traffic noise.

The development shall thereafter be carried out in accordance with the details approved by the Local Planning Authority.

REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

06. The development shall be carried out and maintained in accordance with the sound reduction measures and criteria specified in Report WHR001rev2 Noise Management Plan Acoustic Upgrade Proposals dated December 2022. The scheme shall thereafter be independently verified by a suitably qualified third party acoustic consultant to certify that the development has been carried out in accordance with the approved details.

Verification documentation shall thereafter be submitted to and approved in writing with the Local Planning Authority prior to any operations or processes commencing within the following times of 18.00 hours to 23.00 hours Monday to Sunday.

REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

07. The level of noise emitted from plant, machinery or operations on the premises shall not exceed a level of 3dB above the background noise level as measured as an L(A)eq,1 hour at any site boundary and shall not exceed a L(A) Max level of 45dB at any point; between the hours of 18:00; and 07:00; on Monday to Sunday.

REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

08. The acoustic fence proposed enclosing the carpark as detailed in Dwg No. WHL R 03 Future Proposed Scheme 2022 Barriers shall be installed within two calendar months of the date of this consent and shall be maintained as such for the lifetime of the consent.

REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

09. The acoustic fence installed along the eastern and southern boundaries of the site shall be maintained as such on a like for like basis as such for the lifetime of the consent.

REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

10. Prior to the installation of any new or replacement external site lighting details of the lighting units, levels of illumination and hours of use 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 and shall be maintained as such for the lifetime of the consent.

REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

11. There shall be no vehicular access or egress from the Fields Road entrance under any circumstances.

REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the building shall be constructed without the approval of the Local Planning Authority.

REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Transportation Engineering Manager - CCBC - Having regard to the information available there are 2 rows of car parking spaces of approximately 74m in length in a Car parking Zone 4. The existing parking provision equates to around 60 spaces within the curtilage of the site, which is adequate to serve the B2 use. Therefore, no objection is raised for this application.

### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and thirty neighbours were notified by way of letter.

Response: Seven letters of representation in total have been received following two neighbour consultations.

Summary of observations: The following objections have been raised:-

1. The shift structure of days and nights will cause excess noise levels during the night shift.

2. The use of the building is for storage and manufacturing and most of the enforcement notices on this building are not being adhered too. For example the doors are left open or taped up to stay open in the absence of delivery vehicles and operations are being carried out at weekends, on Bank Holidays and extended hours through the week.

3. There is a conflict of land uses in close proximity to one another.

4. The noise survey completed by Hunter Acoustics was undertaken before manufacturing was ramped up and should now be done again to get a true reading of the levels of noise.

5. Hammering is audible from within the building to the properties and gardens of Fields Road.

6. The trees along the southern and eastern boundaries within the site have been removed which provided some sort of barrier to minimise a certain level of noise and dust.

7. The 2.5 metre barriers erected along the eastern and southern boundaries to provide screening from vehicle movement noise does not work as the fence is erected in a dip and the road around the building is approximately level with the finished floor levels of the neighbouring properties.

8. The additional shift will create more noise and dust.

9. The roller shutter doors should be moved to the river side of the building away from residents.

10. Requests more information on the planned one-way system in that the northern end of the premises is very close to the building and it would be difficult for any large vehicle to successfully negotiate the 90 degree turns necessary to drive around the northern end of the building.

11. Inaccuracies within the application form in that it states that the site is not within a flood risk area.

12. Photographs submitted of a large vehicle carrying steel work into the building with the steel from the vehicle hanging over a neighbouring garden as it manoeuvres through the site.

13. The Local Planning Authority is required to balance the business requirements against the welfare and concerns raised by neighbouring residents.

14. Requests a caveat on this change of use to only apply to William Hare and if the building was to be sold or rented to another firm at a future date then the original B8 restrictions be re-imposed.

15. Accepts that William Hare is more responsible to the neighbours than the former occupiers of the site however they do not fully comply with the requirements of the existing Enforcement Notice.

## 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?

There are no specific crime and disorder implications material to the determination of this application.

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No the development is not CIL liable.

### ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance.

Full planning permission is sought to change the use from B8 (Storage or Distribution) to B2 (General Industrial), external alterations (including replacement roller shutter doors) to enhance the acoustic performance of the building, confirmation of operational hours and ancillary works.

By way of background context to assist in the consideration of this application the building was erected in the 1960's as a warehouse for the storage and dispatch of steel sections and sheets. In later years the site appears to have been occupied by British Steel and subsequently Corus for the same purpose. In or around 2003 the building was occupied by a company called Baileys Commercials Ltd until 2005, when it was taken over by Goodwin's Properties (UK) Ltd and occupied by WF Manufacturing who used the premises to manufacture timber frame kits including wall and floor panels, roof trusses and engineered joists. In 2008 the site was purchased by Rowecord Engineering Ltd who commenced the manufacture of large steel structures, in component form, which are assembled on a development site, such as the site of the London Olympics and other major civil engineering projects.

The commencement of steel fabrication on the site brought with it complaints regarding the noise being generated by that work, which often went on late at night. Initially this matter was pursued with the company under the Environmental Health legislation. The Planning Department became involved when a request was received to check the planning history of the site to establish if there any conditions in place that would control either the hours of operation or noise levels emanating from the site. It became evident when the matter was investigated that the use of the site for the steel fabrication would fall under Class B2 of the Town and Country Planning Use Classes Order 1987, which was not consistent with the apparent authorised use of the site as that of a warehouse for the storage and dispatch of steel sections and sheets, Class B8. The original unauthorised change of use took place in 2005 when the site was occupied by WF Manufacturing Ltd. A warehouse use would fall within Class B8 of the legislation referred to above. A change of use from B8 to B2 would require the benefit of planning permission because it would represent development in the form of a 'material' change of use. There was no record of such planning permission being sought or granted and therefore use of the premises was unauthorised and represented a breach of planning control.



The position of the company at the time, Rowecord Engineering Ltd did not accept that they were in breach of planning control and maintained that the use of the premises for a B2 use had been established for many years. They suggested that it had been used for the same purpose since the site was developed and the building erected.

Under Section 191 of the Town and Country Planning Act 1990 if a person wishes to ascertain whether any existing use of buildings or other land is lawful, they have the right to apply for a certificate of lawful use or development. If such a certificate were to be granted no enforcement action could then be taken against the use referred to in the certificate. In order to succeed in an application for a Lawful Development Certificate for a material change of use, it has to be shown, on the balance of probabilities, that the change has become immune from enforcement due to it having been in continuous use for a period of more than 10 years and having achieved this status, such use has not been lost by abandonment, the formation of a new planning unit or by way of a further material change of use. That right was explained to Rowecord Engineering Ltd by the Local Planning Authority but they appeared unwilling to pursue this course of action.

In January 2009 internal departmental discussions between Planning and Environmental Health confirmed that industrial noise complaints had been received and that they continued intermittently to receive complaints relating to both industrial noise and dust emanating from the Rowecord site during both the day and night. Environmental Health Officers also confirmed that there were periods when no complaints were received, which seemed to relate in part to when the company had a reduced workload and consequently were not operating through the night. Officers from Environmental Health carried out numerous visits to the site itself and the surrounding area as part of their investigations into those complaints and concluded that those complaints were justified.

Based on the work that the Council's Environmental Health Officers carried out relating to complaints of noise it was their opinion that the premises should not be allowed to operate in this location as a B2 use and as such would recommend refusal of any planning application for General Industrial use. However, they also stated that if it was accepted that the business should be allowed to continue to operate then a number of conditions should be imposed to control the use of the premises and if a 24 hour use on the site was sought then a noise assessment would be required detailing measures to mitigate against noise, in particular low frequency noise. The reasoning behind this requirement was because the method of construction used in the main building would require retrofitting the fabric of that building with substantial acoustic upgrading in an effort to contain noise within the structure.

Having considered the matter from both planning and environmental health points of view, it appeared that provided that the use was properly controlled in the interests of the amenity of the residential neighbours, objections to the continued use of the premises would be overcome.

Under Section 173(11) of the Town and Country Planning Act 1990, it is possible to 'under enforce'. That section states that:-

" Where -

(a)an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and

(b)all the requirements of the notice have been complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities."

On that basis it was considered possible to serve an enforcement notice with the requirements of the notice framed in similar terms to that of a planning condition, mitigating the adverse impact that the use had upon on the nearby residential properties fronting onto Fields Road. Such action was considered to be reasonable and proportionate in dealing with the breach of planning control and would therefore serve a planning purpose, in the public interest. An enforcement notice was therefore drafted in those terms and issued on Rowecord Holdings Ltd on 12th December 2012.

The requirements of the notice specified:

Cease the use of the land and buildings shown edged red on the attached plan for the manufacture of steel products, falling with Class B2 of The Town and Country Planning (Use Classes) Order 1987, including the ancillary making of and receiving of deliveries, between the following times:-

- 18:30 hrs to 07:30 hrs on the following days: Monday to Thursdays.
- 18:30 hrs Fridays to 08:30 hrs on Saturdays.
- 13:30 hrs Saturday to 07:30 hrs on Mondays (inclusive of Sundays).
- On any Bank Holidays.

Legal representatives lodged appeals to the Planning Inspectorate (References APP/K6920/C/13/2191217 and APP/K6920/C/13/2191397) on behalf of Rowecord Holdings Ltd against the enforcement notice on grounds (a), (c), (d) (f) and (g) of Section 174(2) of the Town and Country Planning Act 1990. The Local Planning Authority was advised in writing on 6th June 2013 that Rowecord Engineering Limited entered into administration and that Rowecord Holdings Ltd did not wish to continue with the appeal. The Planning Inspectorate confirmed that the appeals had been withdrawn on 13th June 2013.

The building was subsequently vacant for some time prior to the William Hare Group occupying the building as steel fabricators, within the restricted hours of operation for Class B2 use specified within the enforcement notice. William Hare Group is the largest independent steel fabricator in the UK and they engaged in pre-application discussions

between January - April 2020 to pursue an application to allow B2 activity on site to operate on a 24 hours a day, 7 days a week basis to enable the efficient operation of the site. Given the very close proximity of residential receptors on two facades of the building. A site visit was undertaken by Environmental Health Officers and multiple concerns were raised with a view that Environmental Health could not support a 24/7 operation at the site however would consider in the first instance the introduction of a second shift that would allow operations between 07:00-23:00 hours subject to the following requirements:-

- The noise mitigation scheme provided is implemented as per the recommendations within the report prior to any extension of those hours being granted;
- The entire building to be acoustically upgraded using a scheme / products that are capable of achieving the required decibel sound reduction;
- The roof is insulated; and
- The roller shutter doors provide appropriate acoustic mitigation.

Following the initial advice provided as part of the Pre-Application, William Hare proceeded with a full application seeking the approval of a 24/7 operation for steel fabrication in May 2020 contrary to the pre application advice provided by Environmental Health Officers.

The applicant has stated that the main benefits of the extended operation hours are:

- The reintroduction highly skilled employment at the former vacant site;
- The creation of significant number of full time jobs to be created;
- Significant investment of circa £700,000 in the upgrade of the building with all cladding (with the exception of the recently constructed extension) replaced by a new acoustic system including the roller shutter doors to be replaced by acoustic doors; and
- Increased production at the site will generate multiplier effects for the County Borough and the wider regional economy in Wales.

The key planning issues arising from the application details are:

1. The principle of development at the site and the suitability of the site for a B2 industrial land use;
2. The visual impact of the external alterations;
3. Residential amenity and associated noise impacts; and
4. Highway safety.

#### 1. THE PRINCIPLE OF DEVELOPMENT AT THE SITE AND THE SUITABILITY OF THE SITE FOR A B2 INDUSTRIAL LAND USE.

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, the development plan in force is the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Policy SP5 (Settlement Boundaries) of the Local Development Plan (LDP) states that the boundaries are defined in order to define the area within which development would normally be allowed, to promote the effective use of urban land and to prevent fragmented development and inappropriate development in the countryside. The proposed development is considered to comply with Policy SP5.

In tandem with Policy SP5, Policy CW15 (General Locational Constraints) states that development proposals must not constrain the development of any adjacent site for its allocated land use and that within settlement boundaries they accord with the role and function of the settlement. This application relates to an existing use of land subject to an enforcement notice with restricted hours of operation within an existing commercial planning unit. In policy terms the site is not subject to any policy or environmental designations but does fall within Flood Zone C1, however the site is supported by significant flood defence infrastructure which has been undertaken in recent years.

Policy SP3 (Development Strategy - Development in the Southern Connections Corridor (SCC)) of the LDP states that development within the Southern Connections Corridor will promote sustainable development that:

- A Uses previously developed land within settlement limits;
- B Reduces Car borne trips by promoting more sustainable modes of travel;
- C Makes the most efficient use of existing infrastructure;
- D Has regard to the social and economic function of the area; and
- E Protects the natural heritage from inappropriate forms of development.

The priority and emphasis within the SCC focuses on the redevelopment of existing sites (brownfield land) where feasible and not on the release of any substantial new greenfield land subject to satisfactory environmental and community safeguards and consideration of the role and function of settlements within the strategy area.

In that regard Policy CW4 (Settlement Strategy) identifies Risca/Pontymister as a Principal Town with the seeking to enhance Principal Town Centres based on their current role and function in order to respond appropriately to both local and wider economic, social and environmental needs.

Policy SP17 (Promoting Commercial Development) seeks to enhance the commercial sector in terms of service provision and employment opportunities for the residents of the County Borough and whilst a range of sites and Commercial Opportunity Areas have been created and the application site is not within one of those targeted areas, its proximity to the Principal Town Centre of Risca/Pontymister (within 60 meters walking distance) provides an opportunity to drive further economic growth through increased footfall activity.

This is further supported by Welsh Government's commitment to sustainable development through enhancing economic, social and environmental well-being for

people and communities in responsible ways as set out in Planning Policy Wales (PPW) with the objectives set out for economic infrastructure set out in Chapter 5 of PPW.

Given the location of the site in the settlement boundary and the enforcement notice served in 2013, there is a presumption in favour of development (i.e. an extension to the hours of operation) subject to it being acceptable in terms of the relevant planning material considerations.

General development control considerations are set out in policies SP6 (Place making), CW2 (Amenity) and CW3 (Design Considerations-Highways) of the LDP.

## 2. THE VISUAL IMPACT OF THE EXTERNAL ALTERATIONS.

In design terms Policy SP6 seeks to ensure that new development will be of a high standard of design, this application proposes a number of external alterations to the fabric of the existing building to deliver appropriate acoustic mitigation, while also enhancing the appearance of a highly prominent building. The external cladding system in terms of its finish and colour would match the recently constructed extension at the north-western end of the site and would therefore reinforce the existing commercial/industrial setting of the site itself and the wider area immediately to the north and west of the site. Therefore the external alterations are considered acceptable from a design perspective and complies with Policy SP6.

## 3. RESIDENTIAL AMENITY AND ASSOCIATED NOISE IMPACTS.

Policy CW2 relates to amenity and states that development proposals should have no unacceptable impact on the amenity of adjacent properties or land; should not result in the over-development of the site; and the proposed use is compatible with surrounding land-uses. The proposed development would not result in over development of the site in that sufficient operational and servicing space has been demonstrated and would not increase the internal floor space of the building, furthermore it will also not constrain neighbouring land uses adjacent to the site.

The restricted B2 hours of operation associated with the enforcement notice permits a certain level of industrial activity on the site, therefore given the proximity of the residential properties of Field Road to the building Officers have deliberated at length as to whether the current level of amenity received by neighbouring residents would be adversely affected. Additionally, despite William Hare appearing to be a more considerate operator than its predecessor there have been multiple occasions where Environmental Health Officers have received noise complaints and the objections received indicate that this issue has not been resolved.

The key consideration in the determination of this application is whether the proposal can provide sufficient mitigation to ensure noise levels from the operating practices and activities undertaken within the building, external areas and delivery movements to and from the site would not adversely affect the living conditions of the neighbouring

residents by way of increased noise levels with a distinction being made between the proposed development and the permitted B2 restricted hours associated with the enforcement notice.

Paragraph 5. 4.15 of PPW states:-

"Whilst employment and residential uses can be compatible planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised."

Government advice and policy in respect of noise is contained in Planning Guidance Technical Advice Note (TAN) 11: Noise and should be read in conjunction with PPW.

TAN 11 states that 'Local Planning Authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate condition.' It goes on, ...'measures introduced to control the source of, or limit exposure to, noise should be proportionate and reasonable, and may include: iii. Administrative: limiting operating time of noise source; restricting activities allowed on the site; specifying an acceptable noise limit'.

TAN 11 also sets out the methodology for the assessment of noise from different sources, Annex B. B17 relates to noise from industrial and commercial developments B17. The likelihood of complaints about noise from industrial development can be assessed, where the Standard is appropriate, using guidance in BS 4142: 1990. Tonal or impulsive characteristics of the noise are likely to increase the scope for complaints and this is taken into account by the "rating level" defined in BS 4142. This "rating level" should be used when stipulating the level of noise that can be permitted. The likelihood of complaints is indicated by the difference between the noise from the new development (expressed in terms of the rating level) and the existing background noise. The Standard states that, 'A difference of around 10 dB or higher indicates that complaints are likely. A difference of around 5 dB is of marginal significance'. Since background noise levels vary throughout a 24 hour period it will usually be necessary to assess the acceptability of noise levels for separate periods (e.g. day and night) chosen to suit the hours of operation of the proposed development. Similar considerations apply to developments that will emit significant noise at the weekend as well as during the week. In addition, general guidance on acceptable noise levels within buildings can be found in BS 8233: 1987.

The Council's Environmental Health Officers have been consulted on the application and following the review of the submitted details and reports to accompany the application, the following concerns were raised by Officers:-

- Increasing production in the absence of any improvements to the existing building envelope from an acoustic perspective is likely to cause issue as the current Enforcement Notice served was to abate noise impacts caused by operation of steel fabrication within the building in its current state as a result of an influx of noise complaints from nearby residents at the time the notice was issued.
- Potential intensification of the process could exasperate noise experienced by nearby residential vicinity within the day-time and night-time period.
- The specifications provided could theoretically achieve the dB levels proposed in the reports however, the acoustic attenuation capabilities of such materials could be greatly reduced in real life situations due to poor installation/maintenance, mounting of internal equipment, lack of appropriate management etc.
- Some reports allude to the recommended high specification acoustic attenuation failing to adequately mitigate night-time noise due to high peak noise levels from certain equipment. The inconsistent high impact sounds that are generated are very difficult to manage.
- External areas are a concern as currently there is no noise mitigation between the service yard and nearby residents.
- The intermittent nature of some activities could breach modelled sound predictions particularly within night-time hours i.e. difficult to control hammer to steel strikes administered by individuals, or employees entering / exiting cars during a shift change etc. Therefore there is a likelihood this proposed noise level could be exceeded on a nightly basis by undertaking one or two activities and a potential for sleep disturbance to be caused to residents should the factory be operational 24/7.

In addition, further concerns were heightened due to an influx in service requests received between August and September 2020 concerning noise emanating from the premises within normal operational hours which would suggest current practices are a potential concern in the day-time hours also. It should also be noted that the current enforcement hours were imposed to resolve noise from steel fabrication throughout the night-time which was proven to be an issue when investigated.

Officers sought approval from the Environmental Health Manager and the Corporate Director of the Economy and Environment to employ a third party acoustic consultant (Arcadis) to review all of the Noise Acoustics Reports and associated documentation in order to make an informed recommendation in assessing the impacts on the neighbouring properties in relation to noise impacts.

The reports highlighted increased uncertainty within the modelling software inputs to inform adequate noise insulation for the building fabric, the period of which sound data was collected at the Risca site, methodology used to calculate sound levels and also inconsistencies in the application of British Standard 4142:2014+A1:2019: Methods for

rating and assessing industrial and commercial sound which is required to appropriately assess the impacts of the proposal on nearby sensitive receptors. The report re-affirmed initial Officer concerns in terms of noise disturbance and the adverse impacts steel fabrication would have on nearby residential amenity should the application be granted to operate within late evening/night-time hours.

Following the initial review of the acoustic information provided by Arcadis, Hunter Acoustics submitted several additional reports on behalf of William Hare containing further information following continuing scrutiny from Arcadis with regard to the accuracy of the acoustic model outputs and methodology utilised by Hunter Acoustics when predicting ultimate noise levels experienced by nearby residential receptors as a result of the proposal.

In light of on-going concerns, the Council commissioned Arcadis in September 2021 to conduct further sound measurements to verify sound predictions within the Hunter acoustic reports and associated documentation to fully address concerns raised to safeguard the amenity of neighbouring residents. The outcome of which fundamentally disagreed with the technical aspects of the modelling and data contained within previously submitted reports and the noise assessments were robust to assure Officers that the detail provided was technically sound.

Additional sound data between October 2021 and May 2022 was submitted in an attempt to objectively assess tonality and impulsivity to verify sound rating levels provided by Hunter Acoustics with the analysis of that sound data highlighting optimistic acoustic character corrections applied to sound data within the acoustic data set provided by Hunter Acoustics, which may have adversely impacted calculations made and ultimately compromised the acoustic mitigation scheme to be implemented within the fabric of the building, thus affecting the overall noise level experienced by residential receptors.

Arcadis raised concerns reinforcing the need to provide further justification and detail concerning the uncertainty/margin for error contained within the acoustic model parameters; queries in relation to the product performance data of materials proposed for the acoustic mitigation of the building; the effectiveness of the barrier on the southern perimeter; queries in relation to the acoustic character corrections and sound criteria to be implemented to control noise at site and whether the levels proposed could be achieved.

After 25 months of negotiations in June 2022 William Hare sought to change the hours of operation originally sought to align with the advice of the Pre-application advice provided by officers in April 2020 to operate between the hours of 07:00 - 23:00 Monday to Sunday and an updated noise report which included a new barrier layout, new proposal for the fabric of the building and certified performance data was submitted to address the previous concerns raised in addition to the submission of a revised noise impact assessment report and was sent to Arcadis for review.



The report prepared by Arcadis confirmed calculations undertaken following the submission of the latest Hunter Acoustic report indicated a significant improvement to the scheme resulting in lower levels at the closest and potentially most noise sensitive premises. Their concluding comments acknowledged remaining elements of disagreement between the acoustic consultants but highlighted that the extent of these may be negligible but were highlighted for the purpose of completeness.

All information to date has been scrutinised by Officers in detail and further meetings have been held with William Hare to discuss queries regarding the management of the process particularly during evening/night-time hours should consent be granted and this was followed up with a meeting held at the site in November 2022. The outcome of that meeting resulted Officers requesting further information to be submitted in terms of a consolidated sound insulation scheme report and updated details to ensure the noise management plan was acceptable to control noise within the operational phase of the development and has been submitted for further review.

Whilst it is recognised that an intensive consultation has taken place over a 32 month period between all parties, such discussions have been necessary to ensure that noise control has been meticulously considered in order to protect the interests of the neighbouring residents. On that basis subject to the imposition of all the planning conditions stated then the hours of operation at the site between 07:00-23:00 hours Monday to Sunday are considered acceptable in planning terms. It should however be noted that any future request to extend the B2 operational hours between 23:00-07:00 hours would not be supported.

There are no other elements of the proposal which are considered to result in any unacceptable adverse amenity impacts to the immediate neighbouring occupants or their private amenity areas and therefore subject to the imposition of appropriate conditions the proposed development complies with Policy CW2 of the LDP.

#### 4. HIGHWAY SAFETY

Policy CW3 considers highway safety. In this particular case, it is noted that the enforcement notice permits a B2 use albeit with restricted hours of operation and therefore the usual starting points for a change of use in terms of vehicle movements to and from the site and the requirement to provide a Transport Statement for this sized building cannot be considered. In that the site is operational and the application relates to changing the operational hours and external alterations to the building, the works proposed as part of this application would not lead to an increase in vehicular traffic to and from the site when compared to the current operational arrangements if deliveries and dispatches to and from the site within the constraints of the parameters set for the existing enforcement notice were imposed by condition to any consent granted.

The Transportation Engineering Manager has been consulted on the application and has confirmed that there are no objections to the proposal given the extant use of the existing access to the site and no concerns are raised in relation to the existing levels of

car parking to serve the use and on that basis has concluded that the proposal would not conflict with the criterion associated with Policy CW3 and as such no objection is raised.

## CONCLUSION

Finally, as part of the considerations associated with of this application it should also be noted that PPW is accompanied by TAN 23: Economic Development where it makes it clear that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations. Chapter 2 Planning for Economic Development discusses the importance of weighing the economic benefits of a development.

Paragraph 2.1.1-3 of TAN 23 states:-

" It should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions point in the same direction. Planning should positively and imaginatively seek such 'win-win' outcomes, where development contributes to all dimensions of sustainability.

Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. There will of course be occasions when social and environmental considerations will outweigh economic benefit. The decision in each case will depend on the specific circumstances and the planning authority's priorities.

It is a central objective of the planning system to steer development to appropriate locations. Therefore, where a proposed development would cause unacceptable environmental or social harm, demand should be steered to an alternative location, unless the harm is outweighed by the additional benefit of development at the original site in question. Such alternative locations will not necessarily be in the same local authority area. The TAN does not override any environmental legislative requirements that may apply to a particular site."

In conclusion the proposal is acceptable in principle and would continue to utilise a brownfield site in the SCC. The economic benefits the extended operations would bring include significant investment in the County Borough together with the creation of full time jobs during the construction phase and through the implementation of a second shift as part of the extended operations would support the local economy. The external alterations to the fabric of the existing building will enhance the appearance of a highly prominent building but more importantly will provide appropriate acoustic mitigation that is not is within the building at present and would therefore improve the overall situation in terms of noise level emitting from the building.

The potential for the extended operations to detrimentally affect the amenity of neighbouring residents has been deliberated at length by Officers in addition to reviewing the wealth of technical information submitted by the applicant. It is therefore considered on balance that provided the acoustic measures are installed and verified prior to the introduction of a second shift within the building itself together with restricting the hours associated with any external activities including deliveries and dispatches to those specified within the enforcement notice that the harm to residential amenity in terms of noise and disturbance will be reduced to an acceptable level once the acoustic mitigation is installed and will be a considerable improvement when compared to the existing operational practices. On that basis the application is recommended for approval subject to conditions to mitigate the use of the building.

Comments from Consultees: The Comments from the Environmental Health Manager are addressed in the report above.

Comments from public: The objections received are responded to by the Local Planning Authority (LPA) as follows:

1. The shift structure of days and nights will cause excess noise levels during the night shift.

LPA RESPONSE: These are matters that have considered at length and addressed in the report above. It should also be noted that the applicant has amended the scheme to reduce the proposed operating practices and hours to those originally sought.

2. The use of the building is for storage and manufacturing and most of the enforcement notices on this building are not being adhered too. For example the doors are left open or taped up to stay open in the absence of delivery vehicles and operations are being carried out at weekends, on Bank Holidays and extended hours through the week.

LPA RESPONSE: These matters have been addressed in the officer report, however it is important to note that whilst complaints have been received by Environmental Health, the complaints are received on an ad-hoc basis and in low numbers. Nonetheless should planning permission be granted, the applicant will be required to comply with the suggested conditions contained within this report to protect residential amenity and residents should make the Council aware if situations arise when conditions are not being complied and does not prevent action taken under nuisance or other environmental legislation.

3. There is a conflict of land uses in close proximity to one another.

LPA RESPONSE: This matter has been addressed in the officer report.

4. The noise survey completed by Hunter Acoustics was undertaken before manufacturing was ramped up and should now be done again to get a true reading of the levels of noise.

LPA RESPONSE: Environmental Health have requested further noise surveys and sound reports and such documents have been submitted for detailed consideration. Both the applicants and Officers of the Council have engaged in many meetings and

email exchanges along with each party appointing their own acoustic consultant before reaching a final recommendation. The on-going discussions that have taken place reflects the length of time it has taken to present a final recommendation for consideration to members of the planning committee.

5. Hammering is audible from within the building to the properties and gardens of Fields Road.

LPA RESPONSE: Noise considerations have been addressed in the report above.

6. The trees along the southern and eastern boundaries within the site have been removed which provided some sort of barrier to minimise a certain level of noise and dust.

LPA RESPONSE: The trees within the site were not protected and unfortunately have been removed by the applicant. Whilst they may have provided some form of perceived barrier, the trees did not provide a dense buffer along the boundary to reduce noise levels. It should also be noted that the 2.5 metres fence installed inside the perimeter of the site to the rear boundaries of the properties along Fields Road will provide a solid barrier in addition to the external cladding and insulation scheme applied to the building along with the insertion of new lobby roller doors.

7. The 2.5 metre barriers erected along the eastern and southern boundaries to provide screening from vehicle movement noise does not work as the fence is erected in a dip and the road around the building is approximately level with the finished floor levels of the neighbouring properties.

LPA RESPONSE: As per point 6 above, the fence has been installed as an additional measure. Any fence erected greater than 2.5 metres in height would give rise to unacceptable neighbouring impacts in terms of overshadowing to the gardens of the neighbouring properties at certain times of the day. It should also be noted that the number of vehicle movements associated with a warehousing and storage use has the potential to be far more intense and could be of a similar size than that of the number and type of vehicles currently entering and leaving the site on a daily basis.

8. The additional shift will create more noise and dust.

LPA RESPONSE: Noise considerations have been addressed in the report above and the introduction of a second shift along with controlled hours of external operations and deliveries in addition to an upgraded building will improve the current levels of residential amenity received, including dust control.

9. The roller shutter doors should be moved to the river side of the building away from residents.

LPA RESPONSE: The Local Planning Authority cannot request the re-positioning of existing openings within the building however the external alterations to enhance the acoustic performance of the building include the installation of new acoustic lobby roller shutter doors.

10. Requests more information on the planned one-way system in that the northern end of the premises is very close to the building and it would be difficult for any large vehicle to successfully negotiate the 90 degree turns necessary to drive around the northern end of the building.

LPA RESPONSE: The one-way system has been removed from the scheme.

11. Inaccuracies within the application form in that it states that the site is not within a flood risk area.

LPA RESPONSE: The site is located in a Flood Zone C1. The description of Zone C1 are areas of the floodplain which are developed and served by significant infrastructure, including flood defences and the precautionary framework indicates that development can take place subject to the application of a justification test, including acceptability of consequences dependent upon the development category and the type of development taking place. In this instance the development category for the land and buildings within the site would be categorised as 'Less Vulnerable Development' however no new floor space is being created and the commercial nature of the site contributing to employment objectives within the Southern Connections Corridor on previously developed land remains unchanged and the nature of the application will not increase flooding elsewhere.

12. Photographs submitted of a large vehicle carrying steel work into the building with the steel from the vehicle hanging over a neighbouring garden as it manoeuvres through the site.

LPA RESPONSE: The photograph provided is noted and the applicant has been advised that vehicles should be loaded correctly to avoid such incidents and potential damage to neighbouring properties for which they would have to resolve privately.

13. The Local Planning Authority is required to balance the business requirements against the welfare and concerns raised by neighbouring residents.

LPA RESPONSE: Noted and such concerns are reflected in the report above and length of time it has taken to reach a recommendation for members consideration.

14. Requests a caveat on this change of use to only apply to William Hare and if the building was to be sold or rented to another firm at a future date then the original B8 restrictions be re-imposed.

LPA RESPONSE: It is not considered reasonable for the Local Planning Authority to consider this request because any consent granted is associated with the land and buildings and not the applicant. It should also be noted that the Enforcement Notice on the site does permit B2 use up to certain hours of the day and therefore it would be unreasonable for the Local Planning Authority to adopt this approach. However should there be a change in site operator in the future they would be required to comply with the conditions as suggested should planning permission be granted in that the conditions will remain for the lifetime of the consent unless a further application on the site is submitted for consideration, for which the merits of that scheme will be fully considered in the same vein as the application presented before members for consideration.

15. Accepts that William Hare is more responsible to the neighbours than the former occupiers of the site however they do not fully comply with the requirements of the existing Enforcement Notice.

LPA RESPONSE: The comments are noted but residents are advised that the Local Planning Authority and Environmental Health do not have the resources to monitor the site regularly and as such problematic matters causing unacceptable noise and disturbance outside of permitted hours should be reported so that a formal investigation can take place.

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:

Dwg No. P2951 Site Survey Plan received on 24.04.2020;

Dwg No. WHL R 02 Future Proposed Layout received on 05.01.2023;

Dwg No. WHL R 03 Future Proposed Scheme 2022 Barriers received on 05.01.2023;

Report 5151/SNA1-R1 Risca Factory Source Noise Assessment dated 22.04.2020 and received on 24.04.2020;

Report 5152/NIA dated 07.04.2022 Noise Impact Assessment and received on 29.06.2022;

Report WHR001rev2 Noise Management Plan Acoustic Upgrade Proposals dated December 2022 and received on 05.01.2023.

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

- 02) No machinery shall be operated and no process shall be carried out at the site outside the following times:  
07.00 hours to 23.00 hours Monday to Sunday.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 03) No external operations shall be undertaken, no external machinery shall be operated and no external processes shall be carried out, outside of the following times:  
(a) 07.30 hours to 18.00 hours Monday to Friday;  
(b) 08.30 hours to 13:00 hours on a Saturday; and  
(c) No external working shall be carried out, no external machinery shall be operated and no external processes shall be carried out on Sundays or bank holidays.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 04) No deliveries shall be taken at or dispatched from the site outside the hours of:  
(a) 07.30 hours to 18.00 hours Monday to Friday;  
(b) 08.30 hours to 13:00 hours Saturday; and  
(c) No deliveries or dispatches shall take place on Sundays or bank holidays.  
Unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 05) Notwithstanding the submitted Noise Management Plan Report WHLR001rev2 dated December 2022 further details of measures to control the noise emanating from the premises shall be submitted for approval to the Local Planning Authority within two calendar months of the date of this consent. Details of this scheme shall include but shall not be restricted to the following:  
(i) Procedures in relation to control of noise from plant/working methods;  
(ii) Control of external noise;  
(iii) Delivery Protocol;  
(iv) Maintenance and repair of sound insulation scheme (building fabric and barrier systems);  
(v) Procedure of dealing with noise complainants;  
(vi) Application of alarm systems on pedestrian doors;  
(vii) Staff training with regards to noise management;  
(viii) Service request investigation procedure; and  
(ix) Control of site traffic noise.  
The development shall thereafter be carried out and maintained in accordance with the details approved by the Local Planning Authority.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 06) The development shall be carried out and maintained in accordance with the sound reduction measures and criteria specified in Report WHR001rev2 Noise Management Plan Acoustic Upgrade Proposals dated December 2022. The scheme shall thereafter be independently verified by a suitably qualified third party acoustic consultant to certify that the development has been carried out in accordance with the approved details. Verification documentation shall thereafter be submitted to and approved in writing with the Local Planning Authority prior to any operations or processes commencing within the following times of 18.00 hours to 23.00 hours Monday to Sunday.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 07) The level of noise emitted from plant, machinery or operations on the premises shall not exceed a level of 3dB above the background noise level as measured as an L(A)<sub>eq,1 hour</sub> at any site boundary and shall not exceed a L(A) Max level of 45dB at any point; between the hours of 18:00; and 07:00; on Monday to Sunday.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 08) The acoustic fence proposed enclosing the carpark as detailed in Dwg No. WHL R 03 Future Proposed Scheme 2022 Barriers shall be installed within two calendar months of the date of this consent and shall be maintained as such thereafter for the lifetime of the consent.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 09) The acoustic fence installed along the eastern and southern boundaries of the site shall be maintained as such on a like for like basis for the lifetime of the consent.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 10) Prior to the installation of any new or replacement external site lighting details of the lighting units, levels of illumination and hours of use 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 and shall be maintained as such for the lifetime of the consent.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 11) There shall be no vehicular access or egress from the Fields Road entrance under any circumstances.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.



- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the building shall be constructed without the approval of the Local Planning Authority.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) A Scheme of Ecological Enhancement Measures and a Detailed Implementation Timetable shall be submitted to and approved by the Local Planning Authority within two calendar months of the date of this consent. The Ecological Enhancement Measures shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for lifetime of the consent.  
REASON: To provide a net benefit to biodiversity in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Policy 9 of Future Wales: The National Plan 2040 (2021), Planning Policy Wales Edition 11 (2021), Technical Advice Note 5: Nature Conservation and Planning (2009) and policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.