

Application Number: 22/0841/COU.

Date Received: 07.12.2022.

Applicant: Mr. C Wainwright.

Description and Location of Development: Change the use of derelict land from B1 to B8 and installation of storage containers and associated external works - Land Within Morgan Street Works Perimeter Morgan Street Llanbradach Caerphilly CF83 3QT.

APPLICATION TYPE: Change of Use.

SITE AND DEVELOPMENT

Location: Land Within Morgan Street Works Perimeter, Morgan Street, Llanbradach, Caerphilly, CF83 3QT.

The application site comprises a linear parcel of land (1077 sqm) sited to the western side of a group of vacant industrial buildings known as 'Morgan Street Works'. The site is around 50km from the western end of Morgan Street and 95Km from Rees Terrace, both of which feature terraced residential properties. The site shares its southern border with Llanbradach Community Centre and Caerphilly Skips (Graddfa Industrial Estate) is set at the west, paralleling the opposite side of the intervening railway line). Access is achieved via a track adjoining the limits of Morgan Street, with a loop/link road to the east (circles around a parcel of CCBC freehold Land/open space - land at Grid Ref 314847 190566). Wider connections are achieved via Ffrwd and Glenview Terrace onto Rue De Ploubezre and the Wingfield roundabout (A469 Llanbradach).

Site Description: The site features a collection of several old colliery buildings historically occupied by Kerndale Precision Engineering Ltd, used as workshops for the manufacture of fabricated metal products, notably transmission components. The site has since been sub-divided into isolated units on separate freehold ownerships. The red-line boundary highlights a smaller, linear parcel set along the western facing elevations of the buildings which abuts an embankment that falls to the level of the railway line. This land is set at 3m lower than the adjacent sites, relatively flat and has since been cleared.

Development: Full planning permission is sought for the change of use of derelict land from B1 to B8 and installation of 25 No. 20-foot storage containers and associated external works inclusive of a secure enclosure and service yard.

Dimensions: Excluding the shared access road, undevelopable area of backfill the site occupies an area of 1077 sqm, with containers to occupy around 385 sqm. Overall area to be allocated for B8 use comprises 450 sqm. Shipping Containers measure 6.10m (l) x 1.40m (w) x 2.40m (h), with the compound secured with 3.0m high palisade trident top fencing.

Materials: Steel gates, posts and palisade fencing completed in silver galvanised finish. Finish of hard surfaces and storage containers is unknown, typically coated steel but can be finished in cladding etc.

Ancillary development, e.g. parking: Access track and internal road with turning head and on-site parking.

PLANNING HISTORY 2010 TO PRESENT No relevant planning history.

POLICY

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

Site Allocation: The site is located within the defined settlement boundary of Llanbradach.

Policies: The following LDP Policies are relevant to this application: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), SP21 (Parking Standards), CW2 (Amenity), CW3 (Design Considerations: Highways), CW5 (Protection of the Water Environment) and CW15 (General Locational Constraints).

SUPPLEMENTARY PLANNING GUIDANCE: The following pieces of SPG have been formally adopted, following public consultation, and are material considerations that will be taken into account when determining this planning application:

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 - Wales Parking Standards 2014 will be applied across Caerphilly county borough. This guidance supplements policy SP21 of the Caerphilly County Borough Local Development Plan up to 2021.

LDP6 - Building Better Places to Live (January 2017): The main purpose of this Supplementary Planning Guidance (SPG) is to improve the standard of design in residential development, regardless of its size and location. This document has been designed to meet the requirements of Planning Policy Wales (PPW), Edition 11 (2021) and convey the design implications of TAN 12 to anyone proposing new residential development.

NATIONAL POLICY: Future Wales: The National Plan 2040 (February 2021) and Planning Policy Wales Edition 11 (February 2021).

Future Wales - the National Plan 2040 is the national development framework for Wales, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining, and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems, and improving the health and well-being of our communities.

Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government with the primary objective of PPW to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

PPW is supplemented by a series of Technical Advice Notes (TANs), the following TANs are relevant to this proposal:

Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009).

Technical Advice Note (TAN) 12: Design (2016).

Technical Advice Note (TAN) 15: Development and Flood Risk (2004, Updated 2021).

Technical Advice Note (TAN) 23: Economic Development (2014).

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 falls within a Development Low Risk Area: Coal Mining Development Referral Area (2022). All relevant informative notes about mining conditions in the area will be attached to any consent issued.

CONSULTATION

Estates Manager - The applicant has included land owned by CCBC under registered title WA663046 within their red line boundary plan. I have emailed the applicants agent (attached above) advising them of this, requesting that they remove the land owned by CCBC and re-submit their amended plan to the planning department at CCBC, or they should make an application to purchase the land via the CCBC website.

Therefore Property Services raise a precautionary objection on the basis that they have no right to use our land.

Gelligaer Community Council - Llanbradach & Pwllpant Community Council strongly object to the change of use of derelict land for the installation and storage of containers and associated works. These comments are addressed within the officer report.

Transportation Engineering Manager - CCBC - No objection subject to the following conditions:

Use of the proposed storage containers shall not commence until the areas shown for the parking and turning of vehicles within the site curtilage have been laid out in accordance with the submitted plans to the satisfaction of the LPA, and those areas shall not thereafter be used for any purposes other than the parking and turning of vehicles.

The size of vehicles used to access the site shall be limited to no larger than light vans (vehicles under 3.5t), as stipulated in the submitted Design and Access Statement.

The first 10m of the proposed access road (from its junction adjacent to the Community Centre) shall be completed in materials as agreed with the LPA, to ensure loose stones or mud etc. is not carried on to the public highway.

Reasons: In the interests of highway safety and to ensure that adequate off-street parking facilities are provided within the curtilage of the site.

Notes: The LPA should be aware of the of the future potential land use in the immediate area for the proposed Llanbradach Park & Ride Scheme, to ensure that none of the land required to facilitate that scheme in the future is prejudiced by the granting of this consent.

There is an approximate 30m length gap between the nearest adopted highway, and the red-line of the application site. The LPA should be mindful that without an amended location plan incorporating this area into a red/blue line, there is no guarantee that the applicant has vehicular access rights over this section, which may render implementing any planning consent impossible.

This issue has now been addressed by the amended location plan, received 24/02/23.

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

CADW - No comments received.

Senior Arboricultural Officer (Trees) - No objection.

Senior Engineer (Drainage) - No objections: The site area is 1077m², as per Application Form. Area to be taken by the storage containers is around 400m², as per Proposed

Plans. SAB approval is required for this development and has not been granted. Please make note of the attached advisories.

Landscape Architect - CCBC - Recommends consultation with the Senior Arboriculturalist.

Network Rail - Network Rail have no comments to make on this application. The rail assets adjacent to this development are no longer NR owned. For comments on this application please contact TFW.

Transport For Wales - Due to the proposal being next to AIW managed infrastructure, prior to any works beginning on site the applicant will need to engage with AIW Asset Protection so that AIW are able to determine the interface with any assets, buried or otherwise and by entering into a Basis Asset Protection Agreement.

The applicant should make contact a minimum of 3 months prior to works starting. Initially the outside party should contact CVLAssetProtection@tfwrail.wales.

Dwr Cymru/Welsh Water - Standing advice is made available to the applicant.

ADVERTISEMENT

Extent of advertisement: The application was advertised via the display of a site notice and neighbour notification letters.

Response: 4 No. Representations have been received in response to advertisement of this application.

Summary of observations: The key points raised in 'OBJECTION' comments are highlight below:

1. Increase in volume of traffic.
2. Access is via small residential road that does not have enough parking at present and is in a poor state of repair.
3. Infrastructure not suitable for lorries.
4. Hours of 6.00am to 10.00pm are not acceptable and will impact residential amenity; like living in an industrial estate.
5. What will be stored here; could it be flammables or other substances that residents need to know of?
6. Detriment to nature by means of adverse impacts on surrounding fields.
7. Daily fires are causing black smoke in the area.
8. Negative impacts on mental health of neighbouring residents as a result of all the above.

Comments in 'SUPPORT' of the development are outlined below:

1. Lived and worked at Morgan Street and was historically used by Kerndale Limited for storing of scrap metal as a heavy engineering company. The site has been bought and hopefully this party will resolve fly-tipping and burning and tidy up the land.
2. The facilities would be used by locals, especially when moving home.

Gelligaer Community Council, Llanbradach & Pwllypant Community Council:

Llanbradach is a small quiet village within Caerphilly Borough, mostly residential. Expansion of Caerphilly Skip Hire has also had a detrimental impact on village life, with operations starting at 05:00 giving rise to noise disturbance.

Storage site in Llanbradach will increase noise, dust and traffic. The highway cannot cope with the increased volume of traffic of HGVs in an already congested residential area with road surfaces impacted.

All surrounding residents will be affected by the development during construction works with disturbing vibrations.

Community centre widely used by young people who use the car park for ball games etc. and an area enjoyed by dog walkers, these uses will be impacted.

Residents have a right to quiet enjoyment.

The containers are too close to railway line as reported by Transport for Wales.

The site/fencing encroaches onto land not in their ownership.

There are issues with Welsh Water.

It will adversely affect the future Park & Ride.

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 implications upon crime and disorder to consider which would be relevant to this application.

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 as the area features scarce vegetation as a former industrial site. All relevant advisory notes will be attached to the consent and sent to the applicant as a precautionary measure.

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. 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)

Technical Advice Note 5: Nature Conservation and Planning (2009): Section 6.2.1 - 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. Section 6.2.2 - 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.

Environment (Wales) Act 2016 - The Biodiversity and Resilience of Ecosystems Duty: This 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".

The Welsh Government launched the Nature Recovery Plan (NRP) which sets out its commitment to biodiversity in Wales and how Wales will address the Convention on Biological Diversity's Strategic Plan for Biodiversity and the associated Aichi biodiversity targets in Wales. The Nature Recovery Action Plan links to and complements The Well-being of Future Generations (Wales) Act 2015 and the Environment Act (Wales) 2016.

Policy 9 of Future Wales - The National Plan 2040, states that action towards securing the maintenance and enhancement of biodiversity (to provide net benefit), the resilience of ecosystems and green infrastructure assets much be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the build 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.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? As per the Caerphilly County Borough - Community Infrastructure Levy Charging Schedule (Effective From 1st July 2014) the Commercial Development CIL Rates relevant to B2 - B8 Industrial Developments is equivalent to £0. Therefore, the development is not CIL Liable.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, Local Development Plan (LDP) policy and supplementary planning guidance (SPG). The application site forms part of an historic industrial centre with a number of vacant buildings with potential for revival into units/warehouses with B-Class uses. In view of the above-mentioned policy context, the key issues to consider in this planning application relate to the principle of the construction of a Class B8 storage compound in this location, impact upon visual amenity, impact upon the amenities of neighbouring occupiers, along with parking and highway safety impacts.

Within the Design and Access Statement (DAS) the land is currently described as derelict comprising an area of 1077 sqm, with the parcel of land in question lying to the west of an identified former railway service building; most recently advertised for sale as a former 'canteen building' (Paul Fosh Auctions). At present the land has been roughly cleared and access is possible from a track connecting with Morgan Street, bypassing the community centre car park and an open green. The site is historically a recognised commercial/industrial site (railway sidings) signposted from the A469 as 'Morgan Street Works' (MSW).

Due to the topography of the wider site, with an embankment sloping down towards the railway line, the application site lies 3m lower than the adjacent buildings, such that the area is largely concealed by the massing of the remaining MSW buildings. As discussed within the DAS the site lies above a coal seam, proximate to a soil tip, active railway line, segregated industrial use units (other MSW buildings and Graddfa Industrial Estate, Colliery Road) such that the use of this land is highly constrained. At the time of the officer visit it was apparent that the site has been subject to illegal fly-tipping, burning of materials, storage of scrap and what appears to be unlawful caravanning/residential occupation, overall with extremely poor visual amenity. Appropriate development of this site would be favoured in order to deter these activities and allow the Local Planning Authority to have reasonable control over the character of the land.

By means of providing a background to this application, the applicant was provided with pre-application advice reference SPA/22/0074 on 25.08.2022. Initial consultee responses as part of the provisional LDP candidate site assessment highlighted that the site is suitable for industry (Environmental Health Manager), can be supported providing all existing wildlife corridors are retained, highway access is satisfactory and there are

likely limited ecological objections providing the relevant surveys are submitted. Likewise, the development would accord with strategic objectives given it demonstrates urban containment and sustainable growth with limited countryside impacts. Concluding remarks indicate that any succeeding application would be considered favourably providing all relevant LDP policy objectives are met.

Self-storage centres are classified as a Class B8 (storage and distribution) use for planning purposes. The clear benefit of a self-storage facility, over and above a conventional warehouse (Class B8) use, is its low levels of activity, resulting in negligible effects in terms of matters such as noise, smoke, smell and traffic generation. The proposal presents a modern self-storage centre that will cater chiefly for private domestic users and likely appeal to small local businesses. As discussed within the DAS Visits to self-storage centres of this scale/nature are, for the most part, by small vehicles (car and/or vans) with a small proportion of larger vehicles expected, such as removal vans/tippers.

The proposal comprises the siting of 35 No. storage containers or cabins measuring 6.10m (l) x 2.40m (w) and 2.40m (h) with front openings within a secure compound. The applicant has not clarified the materials of the containers; however these details could be secured via planning conditions, in addition to a scheme for suitable hard surfacing and/or a landscaping scheme and any drainage features etc. The enclosure will be constructed with steel palisade fencing with a trident topping in a silver galvanised finish, with matching security gates. Access will be strictly controlled (i.e via use of PIN system) with set hours of operation, which may be subject to regulation via planning condition(s). An existing stone retaining wall to the southeast of the site will be preserved supporting higher land at the site of the adjacent building with the overall composition and physicality of the site largely unchanged.

An access to accommodate ingress and egress with varying widths of 6.0m to 8.0m at apex of the corner will adjoin the existing limits of the highway at the section adjacent to the northern boundary of the established car park serving Llanbradach Community Centre. It is noted this access is pre-existing (detailed as a track on historic mapping), requiring renewed overlay/surfacing with capability of accommodating two-way traffic. Vehicles will be able to manoeuvre within the site within a defined turning head, with parking bays serving a set number of containers; a maximum of 10 No. vehicles accommodated in static positions at any given time. Clients will be able to access the compound, reside alongside the allocated unit to offload goods and turn as such to emerge from the site in a forward gear.

Policy SP5 of the LDP seeks to define settlement boundaries in order to: A) Define the area within which development would normally be allowed, taking into account material planning considerations B) Promote the full and effective use of urban land and thus concentrate development within settlements. In this instance the site is located with the local settlement of Llanbradach on land with an established B1/B2 use. In that respect the principle of the development in this location is acceptable subject to all other material planning considerations and compliance with other prevailing LDP policies.

The submitted DAS presents an analysis of the 'social need' for self-storage and presents an argument for the suitability of this site given its historic use and setting. It is considered that the facility will present a beneficial use/service to the local community and rejuvenate a brownfield site, certainly in favour of allowing this area of land to further deteriorate. LDP Policy SP6 seeks to secure developments that contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features, specifying that these must present an efficient use of land with an appropriate mix of uses that reflect the role and function of settlements. Policy sub text (para 1.65) highlights, "The LDP Strategy seeks to ensure that sustainable places are created that... meet the needs of current and future residents and... the enhancement of natural heritage". Given the site context, the most suitable use would be that of a continued B-class use, in conjunction with a use/scheme that assists in managing the visual amenity of this site such that the streetscene is positively enhanced.

On that note, the site is partially visible from public vantage points along the northern limits of Morgan street (at points where terraced building lines terminate) and from areas of surrounding open space to the southeast of the red-line boundary. Primary views would be across the preceding section of access track, with the compound concealed from sight by the massing of the adjacent, elevated buildings. By means of character as a 'track' this area would be unchanged if anything improved. Limited glimpses of the development would be possible through openings in vegetation from the lower lying railway line and across from Colliery Road, although these vistas are long-range. The wider streetscene comprises multiple grassy verges accommodating mature trees with a dense hedge line along the southern boundary shared with the rear of the community centre carpark. Vegetation, likely some evergreen provides a good level of screening. The community centre itself has little architectural merit, a large flat-roofed structure completed in part corrugated sheeting and render with an industrial feel. The residential areas set along the eastern/principal section of Morgan Street are characterised by traditional terraced properties. Given the isolation of the site some 120 yards away from these properties and its concealment from the recognised 'public realm' there are no impacts upon the visual amenity of the wider area and a great improvement on that of the existing site.

LDP Policy CW2 stipulates that development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

- A) There is no unacceptable impact on the amenity of adjacent properties or land,
- B) The proposal would not result in overdevelopment of the site and / or its surroundings and
- C) The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use.

The nearest residential street is Morgan Street which is around 105m from the proposed container site, with properties to the east some 140m from the closest site boundary with a large area of intervening open space. The closest end-of terrace dwelling (No. 9 Morgan Street) features a side-on elevation to the community centre and access, with

its rear curtilage spanning north-easterly, in juxtaposition to the format of the application site which extends to the far northwest. The separation distance between these sites is significant. In any case the existing buildings provide a significant physical barrier between the development and the terrace in addition to the extent of open, profoundly landscaped areas. The neighbouring buildings are still subject to lawful B-Class usage as such the adjoining land-uses are unified in that respect.

Clients using this facility would notably attend infrequently, with longer dwell times on days of first occupation/use of a unit and when vacating items. The DAS outlines that access times would be limited to the hours of 6:00am to 10:00pm, however, there would be scope to control the hours of operation via planning condition. Operational vehicles will be restricted to the class for a light van (i.e. under 3.5T). In any event, the self-storage operation is different to a typical warehouse use, and by its nature would constitute a passive use, notably in relation to the number and nature of traffic movements, as would be expected in a single day and/or across a week. Additionally, levels of noise, vibration and disturbance within a self-storage centre is minimal, certainly compared to a conventional warehouse or a general industrial building. In the same vein, traffic generation is significantly lower than an alternative B-Class use and to that of the adjacent community centre. The DAS notes "even when based on double the traffic flows determined from industry statistics, the facility is expected to generate perhaps two or three vehicles per day of traffic."

With respect to minimising other impacts (notably from light pollution), the applicant outlines how the unadopted road will have white painted boards on its verges so that a car's headlights will illuminate the route, eliminating the need for artificial lighting. Night vision CCTV cameras that do not require additional lighting will be used with Low-level Security lighting whilst motion detectors will be used within the container compound. Lighting will only be activated when authorised people are onsite. A PIN number or other similar system will be used to prevent false triggering by animals or unauthorised visitors. Given the above, there would be no unacceptable harm to residential amenity in accordance with the objections of policy CW2.

The Councils Estates Manager notes that part of the application site as denoted by the red-line boundary on Site Location Plan (22-018/P/01), Block Plan 22-107/P/02 resides on land owned by CCBC. The red-line embraces the limits of the existing access track only and is not included in the Container compound, of which the limits of the site area is shown on plan 'Proposed Storage Yard' Drawing No. 22-107/P/04- Rev B. The Councils Highways Inspector has confirmed that the highway to the side of No. 9 Morgan Street is adopted, however the road leading to Morgan Street works is not adopted by CCBC.

Whilst the law on the maintenance and adoption of private roads is highly complex, by definition, a private or unadopted road is one which is not maintainable at public expense and therefore the Relevant Authority is under no obligation to meet the cost for the management or maintenance of such road. The responsibility for these costs' would rest with the landowner in the absence of any other party who wish to accept liability for

the upkeep of the road. The applicant proposes to do just that, in order to facilitate the development, however, does not proposed any developments on CCBC land. Therefore, this would be a private matter for the applicant to discuss with CCBC Estates/Property Division; or they should make an application to purchase the land. On this basis, Property Services raise a precautionary objection. Nevertheless, as stated above, this is a private matter between the two parties and as such it has no relevance on the determination of this application.

LDP Policy CW3 presents a set of criteria A-D to ensure development proposals have regard for the safe, effective, and efficient use of the transportation network and new access roads are designed as such to i) Promote the interests of pedestrians, cyclists and public transport before that of the private car, and ii) Safely and effectively accommodates the scale and nature of traffic, which those roads are intended to serve. In line with overarching strategic Policy SP21, parking, appropriate servicing and operational space must be provided in accordance with the CSS Wales Parking Standards 2008 dependent.

As presented within the DAS "The Self-Storage Association (SSA) undertook a large survey covering all sectors and geographical locations of user behaviour. They found that 12% of those storing items visited once a week and only 10% visited twice a week or more. The bulk of users, some 78%, visited once a month or less. This translates to less than two vehicles per day on average." According to data presented in SSA's 2022 Self Storage Annual Report a total of 75% of customers visit their unit once a month or less, 7% more than once a week and 3% more than once a day. The traffic impacts would be negligible and certainly less than in former years given the historic use of the site. The site comprises an on-site turning facility and parking for clients, in conjunction with an access capable of two-way traffic. The Council's Transportation Engineering Manager raises no objection to the proposal, advising "In terms of traffic generation to the site, this would be deemed acceptable given the Local Planning Authority's stance that the application site already has the benefit of an extant industrial use". The site comfortably accommodates areas for parking (including, unloading bays for each individual unit) a turning point and suitable access.

In conclusion, the principle of re-using derelict, brownfield land for a Class B8 use in the context of the site and wider area is entirely in accordance with all strands of planning policy. Planning Policy Wales (PPW) includes a presumption in favour of sustainable development. Furthermore, the proposals are able to satisfy the relevant policy of the LDP. As well as being in accordance with policy, the application proposals will not harm the character of the area, give rise to no undue impacts upon residential amenity nor will they give rise to any highway concerns. The application is recommended for APPROVAL, subject to planning conditions.

Comments from Consultees: Comments from the Council's Estates Manager and Transportation Engineering Manager (TEM) have been discussed within the main body of the report. The Council's Environmental Health Manager and Senior Arboricultural

Officer raise no objections to the proposal. There are no objections from external consultees.

Comments from public: All objection Comments presented within 'Summary of Observations' section of this report are addressed in turn below:

1. Increase in volume of traffic: The use is considered passive (as discussed within the report) and is unlikely to generate any significant levels of traffic that would affect the safety of the Highway (Morgan Street), notably in comparison to other B-class uses and historic land-uses.

2. Access is via a small residential road that does not have enough parking at present and is in a poor state of repair: Parking will not be affected by the development. The site comfortably accommodates parking for clients, with additional parking bays for other visitors and/or staff, a turning head and access capable of two-way traffic.

3. Infrastructure not suitable for lorries: HGVs would not be frequenting this site as discussed within the officer report. Planning conditions can be applied to prevent access for lorries or HGVs. Notwithstanding this, there are no controls preventing HGV's from accessing the remainder of Morgan Street Works for existing lawful uses on the site. In that regard, any controls implemented here would be an improvement on the existing situation.

4. Hours of 6.00am to 10.00pm are not acceptable and will impact residential amenity; like living in an industrial estate: The councils Head of Public Protection has raised no objections to the hours of operation, regardless these hours can be controlled via planning condition. Given the nature of the use and geographical separation between the site and neighbouring residential dwellings there is unlikely to be any noise disturbances or pollution. Again, it should be noted that the site is part of a wider industrial estate with a lawful use and as such the proposed use is considered to be less intensive than that which can occur at present.

5. What will be stored here; could it be flammables or other substances that residents need to know of? This is not a planning matter. The landowner and or operator of the facility would be responsible for ensuring that any goods stored within the site and recorded and managed as per UK law. Current legislation/law depicts regulations for storage buildings, contracts, and insurance details, many of which have been set out by the UK Self Storage Association. The applicant proposes to monitor the site using CCTV and alarm systems and would be expected to comply with Fire, Asbestos and Health and Safety regulations with clear signage within the compound addressing the requirements.

6. Detriment to nature by means of adverse impacts on surrounding fields: The current biodiversity and ecology of the site is poor, with the development presenting no impacts upon surrounding habitats.

7. Daily fires are causing black smoke in the area: This issue would be remedied by enabling the re-development of the site.

8. Negative impacts on mental health of neighbouring residents as a result of all the above: The impacts upon residential amenity have been discussed within the main body of the report with regard to LDP Policy CW2.

Gelligaer Community Council, Llanbradach & Pwllypant Community Council:

Llanbradach is a small quiet village within Caerphilly Borough, mostly residential. Expansion of Caerphilly Skip Hire has also had a detrimental impact on village life, with operations starting at 05:00 giving rise to noise disturbance: The application site is not linked with the operations at the adjacent site of Caerphilly Skips, but in any case the nature of two businesses are entirely different. The impacts upon residential amenity with respect to noise disturbances have been discussed within the officer report.

Storage site in Llanbradach will increase noise, dust and traffic. The highway cannot cope with the increased volume of traffic of HGVs in an already congested residential area with road surfaces impacted: These concerns have been addressed within the officer report in respect of LDP Policies SP6 (Placemaking), CW2 (Amenity) and CW3 (Design Considerations: Highways).

All surrounding residents will be affected by the development during construction works with disturbing vibrations: The storage containers are sited above ground and in any other circumstances are typically considered 'temporary' structures in that no excavations are required. The principal works comprise over ground development in the form of resurfacing/hard surfacing areas and erection of fencing. It would be expected that works would be completed in a relatively short period of time opposed to other forms of development; i.e. building of residential dwellings.

Community centre widely used by young people who use the car park for ball games etc. and an area enjoyed by dog walkers, these uses will be impacted: These activities would not be prevented or restricted by the development.

The containers are too close to railway line as reported by Transport for Wales: Transport for Wales have raised no objection to the proposal at this time and simply advise "due to the proposal being next to AIW managed infrastructure, prior to any works beginning on site the applicant will need to engage with AIW Asset Protection so that AIW are able to determine the interface with any assets, buried or otherwise and by entering into a Basis Asset Protection Agreement." This is a private matter between the relevant parties.

The site/fencing encroaches onto land not in their ownership: Part of the application site comprises CCBC owned land. The applicant does not propose to develop this land, but rather intends to maintain a section of the unadopted highway subject to an agreement with CCBC highways Division and or the CCBC Estates Department.

There are issues with Dwr Cymru/Welsh Water: Dwr Cymru/Welsh Water raise no objections to the proposal and connection to any water/sewage networks would be a private matter.

It will adversely affect the future Park & Ride: It is noted that the LDP includes an allocation on the adjacent land for a new park and ride facility for Llanbradach. This is an aspirational allocation within the plan and a defined area for the new facility has not been established. The application site is privately owned and it should also be noted that the proposed development is relatively temporary in nature having regard for the fact that there is very little built development (the erection of fencing) and is reversible should this land be required in the future. As such it would not be reasonable to refuse this application on the basis that it would prejudice the provision of improved park and ride facilities.

Other material considerations: With respect to the Town and Country Planning (Use Classes) Order 1987 (as amended), the application has been considered on the basis that the building will be used for storage. There is a permitted change of use from Class B8 to B1, and whilst a B1 use would be acceptable in principle, subject that it remains tied to the existing land/buildings use, it would require further justification and consideration in regard to the impacts upon residential amenity, parking and highway safety. On that basis it is appropriate to control this use via the imposition of a suitable planning condition.

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 hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan Drwg No. 22-107/P/02-B, received 24/02/23 Block Plan, Drwg No. 22-107/P/02-A, received 07/12/22; Proposed Plan, Drwg No. 22-107/P/04-B, received 07/12/22.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The premises shall only be used for B8 Use Class (Storage) purposes as defined by the Town and Country Planning (Use Classes) Order 1987, or as defined by any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, without the approval of the Local Planning Authority.
REASON: In order to retain control over the future use of the site interests of the residential amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 05) Use of the proposed storage containers shall not commence until the areas shown for the parking and turning of vehicles within the site curtilage have been laid out in accordance with the submitted plans, and those areas shall not thereafter be used for any purposes other than the parking and turning of vehicles.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Access to the storage containers and associated compound hereby approved shall be limited to vehicles no larger than light vans (vehicles under 3.5t), as stipulated in the submitted Design and Access Statement.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) The first 10m of the proposed access road (from its junction with the adopted Highway adjacent to the Community Centre car park entrance) shall be completed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, to ensure loose stones or mud etc. is not carried on to the public highway.

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

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

Due to the proposal being next to AWW managed infrastructure, prior to any works beginning on site the applicant will need to engage with AWW Asset Protection so that AWW are able to determine the interface with any assets, buried or otherwise and by entering into a Basis Asset Protection Agreement.

The applicant should make contact a minimum of 3 months prior to works starting. Initially the outside party should contact CVLAssetProtection@tfwrail.wales

Please find attached the comments of CCBC Senior Engineer (Drainage); that are brought to the applicant's attention.

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

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

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

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).