

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0348/FULL 29.04.2019	GLJ Recycling Ltd Mr G Jones Chapel Bridge Yard Chapel Farm Industrial Estate Cwmcarn Newport NP11 7NL	Remove and replace the existing waste material shredder with a new waste material shredder GLJ Recycling Ltd Chapel Bridge Yard Chapel Farm Industrial Estate Cwmcarn Newport NP11 7NL

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: On the western side of Chapel Farm Industrial Estate and immediately adjoining the western side of the River Ebbw.

Site description: The site is relatively flat and is used as a scrap metal recycling yard; the site is largely open with several small ancillary buildings and structures/equipment.

Development: It is proposed to remove and replace the existing waste material shredder and associated plant.

Dimensions: The proposed shredder equipment has a footprint that covers a maximum area of 72.7 metres x 23.4 metres. The shredder has a maximum height of 13.8 metres.

Materials: Steel construction.

Ancillary development, e.g. parking: Removal of existing shredder. A 10.8m high acoustic enclosure is proposed around the shredder part of the plant.

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Application No: 19/0348/FULL Cont'd

PLANNING HISTORY 2005 TO PRESENT

11/0574/FULL - Construct storage shed - Granted 27.10.2011.

11/0651/FULL-Construct a steel framed building for the storage of non-ferrous metals-
Granted-18.04.2012.

11/0705/RET - Retain the change of use as a scrap yard to incorporate end of life
vehicle facility - 13.04.2012.

14/0486/FULL-Erect two-storey reception/office/accounts building-Granted-02.09.2014.

15/0557/FULL-Erect 3 No. buildings for use as a general waste transfer station, a non-
ferrous storage processing unit and a storage building for the W.E.E.E. processing unit-
Granted-31.03.2016.

16/0992/COND - Discharge Condition 12 (parking) of planning consent 15/0557/FULL
(Erect 3 No. buildings for use as a general waste transfer station, a non-ferrous storage
processing unit and a storage building for the W.E.E.E. processing unit) - Decided
04.01.2017.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies within the settlement boundary and adjoining a Site of
Importance for Nature Conservation (SINC).

Policies: Policy SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations -
Highways), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow
Protection).

NATIONAL POLICY Planning Policy Wales 10th Edition (December 2018), Technical
Advice Notes 11 (Noise) & 12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

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Application No: 19/0348/FULL Cont'd

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No. The site is located in the low risk coal mining legacy area.

CONSULTATION

Natural Resources Wales - Provide advice regarding land potentially affected by contamination.

Head Of Public Protection - Comments on updated noise assessment to reported verbally at Planning Committee.

Transportation Engineering Manager - No objection subject to a condition restricting the annual throughput of waste at the site. However, as the current application only relates to a small part of the site this condition is not considered appropriate for this application.

Ecologist - No objection subject to a condition to protect the River Ebbw Site of Importance for Nature Conservation (SINC).

Landscape Architect - Recommends the proposed equipment be sprayed a dark green or matt black to ensure it is not prominent in the landscape when the trees along the boundary of the site are not in leaf during winter months. During summer month these river side trees will provide significant screening of the development.

Senior Engineer (Land Drainage) - Requests a SuDs compliance statement. However as this is covered by separate legislation it should not delay the determination of this application.

ADVERTISEMENT

Extent of advertisement: 24 nearby residential and commercial properties were consulted by way of letter and a site notice was displayed near the application site.

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Application No: 19/0348/FULL Cont'd

Response: Four objections have been received.

Summary of observations:

- Noise issues from current operation;
- Ground stability concerns;
- Dust/dirt issues with current operation;
- Operating outside of agreed hours;
- Lack of neighbour notification;
- Unauthorised development onsite;
- Concerns regarding potential for increase lorry movements;
- Previous issues with fly infestations to nearby properties;
- Numerous explosions and fires per year linked to the scrap yard;
- Works have commenced on the footings/foundations prior to the granting of planning permission.

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?

Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. A condition is requested by the Council's Ecologist relating to protection of the River Ebbw SINC.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

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Application No: 19/0348/FULL Cont'd

ANALYSIS

Policies: The application proposes to replace an existing waste shredder onsite with a new waste shredder. The site is within an existing scrap recycling operation and therefore the principle of the development is established. The main considerations for the proposed development are:

1. The impact on the visual amenity of the surrounding area;
2. The potential impact on nearby residential properties by virtue of noise generation from the new equipment;
3. Impact on ecology.

These issues will be discussed in turn below.

1. Impact on the visual amenity of the surrounding area

Policy CW2 of the Caerphilly LDP states that development proposal should have no unacceptable impact on the amenity of adjacent properties or land.

With a maximum height of 13.8 metres, the proposed shredder is a significantly large piece of equipment that could appear prominent within the existing landscape. However, along the eastern boundary of the site is the established tree line that runs along the River Ebbw. In the location of the proposed Shredder, these trees measure between 13-17 metres in height. Therefore the equipment will be screened from outside the site by this existing tree line. It is accepted that in winter months when leaf cover is lessened the equipment will be more visible. However a condition will be attached to the permission requiring the equipment to be painted an agreed colour to minimise this impact in the landscape. For these reasons the proposal is considered to be acceptable in visual impact terms.

2. Noise Impact

The application is accompanied by a Noise Impact Assessment undertaken by an acoustic consultant. This assessment compares noise generation from the existing and proposed shredders in relation to surrounding sensitive receptors, i.e. residential properties. Part of the proposal also include a 10.8 metre high acoustic enclosure around the shredder part of the plant to reduce noise emanation from the equipment. The comments of the Head of Public Protection will be reported verbally at planning committee as they were unavailable at the time of the report.

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Application No: 19/0348/FULL Cont'd

3. Ecology impact

To the east of the application site is the River Ebbw Site of Importance for Nature Conservation (SINC). There is currently a boundary fence between the site and the SINC. A condition will be attached to the permission to ensure this boundary is maintained at all times to protect the SINC. The proposal is therefore acceptable in this regard.

Comments from Consultees:

- The comments of the Head of Public Protection in relation to the updated noise assessment will be reported verbally at Planning Committee.
- No objection subject to conditions and advice.
- The comments of the Senior Engineer (Land Drainage) have been addressed above.

Comments from public:

- Noise issues from current operation - The application was accompanied by a Noise Impact Assessment undertaken by an acoustic consultant detailing noise levels associated with the existing and proposed shredder. This issue will be address at Planning Committee following the final comments and recommendations of the Environmental Health Department.
- Ground stability concerns - The application was accompanied by Ground Investigation informing foundation design, etc.
- Dust/dirt issues with current operation - Dust arising from the current operation is an Environmental Health matter.
- Operating outside of agreed hours - This matter will be investigated by the planning enforcement team.
- Lack of neighbour notification - Neighbour notification was carried out in accordance with the relevant legislation.
- Unauthorised development onsite - This matter will be investigated by the planning enforcement team.
- Concerns regarding potential for increase lorry movements - The amount of waste permitted to be processed annually is controlled by way of the relevant permit issued and controlled by Natural Resources Wales.
- Previous issues with fly infestations to nearby properties - This matter is not relevant to the current application. If however this matter arose again in the future it would be an Environmental Health matter.
- Numerous explosions and fires per year linked to the scrap yard - This is an Environmental Health Matter.

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Application No: 19/0348/FULL Cont'd

- Works have commenced on the footings/foundations prior to the granting of planning permission - Any works undertaken prior to the granting of planning permission are entirely at the financial risk of the developer.

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.

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:
Noise Impact Assessment 5217/NIA1_Rev 2, received 12.07.2019;
Drawing No. HD3063_A01, Existing Site Location Plan and Proposed Block Plan, received 24.04.2019;
Drawing No. 6.429238.E - Sound Enclosure Layout (GLJ), received 01.08.2019;
Ground Investigation prepared by Terra Firma, received 03.05.2019;
Dwg Number: DPC12N-GB31-ZO100-BD004, Revision 3 - Shredder and downstream plant layout, received 10.05.2019.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The boundary fence located between GLJ Recycling Ltd and the River Ebbw Site Important For Nature Conservation as defined in the adopted Caerphilly County Borough Local Development Plan up to 2021 will need to be retained and maintained in order to protect the habitats within the adjacent Site Important For Nature Conservation.
REASON: To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.

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Application No: 19/0348/FULL Cont'd

- 04) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- 05) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health.
- 06) Prior to installation of the approved shredder, details of the final colour of the shredder and associated plant, as well as the proposed sound enclosure shall be submitted to the Local Planning Authority for their written approval. The shredder and associated plant and sound enclosure shall be finished in accordance with the agreed colour within 1 calendar month of its completion/installation and maintained in accordance with the agreed details for the lifetime of the development.
REASON: In the interests of visual amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) The use of the shredder hereby permitted shall not operate outside of the following hours: 0800-1800 hours Monday to Friday and 0900-1300 hours Saturday, and there shall be no working on Sundays or Bank Holidays.
REASON: In the interests of residential amenity.
- 08) Prior to first use of the approved shredder, the existing shredder shall be removed from the site.
REASON: To retain effective control over the development.

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Application No: 19/0348/FULL Cont'd

Advisory Note(s)

Please find attached the comments of Natural Resources Wales, The Senior Engineer (Land Drainage), The Council's Ecologist 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.

