

APPLICATION REFERENCE : P/14/711/FUL

CHANGE OF USE OF FORMER NURSERY & DWELLING TO VEHICLE STORAGE, NEW BUILDINGS, ACCESS, WOOD FUELLED BOILERS & WOOD DRYING FACILITY

FORMER BRYNCETHIN NURSERIES & SOUTH WALES WOOD RECYCLING PLANT, PANT HIRWAUN, HEOL Y CYW

This application was reported to the Development Control Committee on 23 July 2015. The officer's recommendation was for approval subject to conditions.

Members were minded to refuse planning permission contrary to the officer's recommendation. The main areas of concern raised were impact on amenity by virtue of noise, dust, air quality and water pollution.

In accordance with paragraph 11.1 of the Planning Code of Practice, the application was deferred until the following Committee in order for officers to advise members further.

The following reason for refusal is considered to reflect the issues of concern identified by Members at the previous meeting:

The proposal would constitute an undesirable intensification of commercial use in a predominantly rural area that would unacceptably impact on the environment and amenities of residents living in the area surrounding the site through noise, dust, air quality and water pollution contrary to Policy ENV16 of the Bridgend Local Development Plan.

Members are reminded that in accordance with paragraph 12.3 of the Planning Code of Practice, it is usual for the mover or seconder of the motion at Committee to represent the Council in any subsequent appeal. Members are also reminded that any reason for refusal must be based on sound planning grounds and firm evidence.

Members also requested further information on the enforcement position regarding alleged breaches of existing consents. As this is an ongoing situation a verbal update will be provided at Committee.

A copy of the Officer's report and recommendation presented to the previous Committee with amendments is attached as Appendix A.

Recommendation:

That the report of the Corporate Director - Communities be noted.

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None.

APPENDIX A

RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/14/711/FUL

APPLICANT: SOUTH WALES WOOD RECYCLING LTD
C/O TECHNIA ENV. & PLANNING SUITE 4 ST MARGARETS PARK
PENGAM ROAD ABERBARGOED

LOCATION: FORMER BRYNCETHIN NURSERIES & S WALES WOOD
RECYCLING PANT HIRWAUN HEOL Y CYW

PROPOSAL: C/U FORMER NURSERY & DWELLING TO VEHICLE STORAGE NEW
BUILDINGS ACCESS WOOD FUELLED BOILERS & WOOD DRYING
FACILITY

RECEIVED: 24th October 2014

SITE INSPECTED: 10th December 2014

APPLICATION/SITE DESCRIPTION

The application was originally referred to Committee on 11th June, 2015 but the matter was deferred to enable to applicant to resolve an issue in respect of the land ownership certification. Reproduced below is the original report, which includes the updated observations received from Natural Resources Wales reported on the Amendment Sheet together with further clarification of application's compatibility with Government advice contained in TAN21. In addition, the application site was inspected by the Development Control Committee on 10th June 2015.

The application proposes the change of use of the former Bryncethin Nursery (including the residential bungalow) to a vehicle storage and welfare facility. In addition, existing glasshouses and polytunnels are to be removed on the nursery site and a workshop building within the existing Locks Yard site. This will facilitate the reconfiguration and amalgamation of the two sites into one unit. The existing Locks Yard will accommodate a retained offices/stores building in the north eastern corner of the site, a product hall within the existing building with a new extension attached to the western elevation to be used for drying of the woodchips with a link to the product hall and an extension to the northern elevation of the product hall to be used for storage. The outside storage area will now be subdivided into the respective grades of processing with vehicles able to access each of these areas. An office and weighbridge facility is to be located to the south west of the existing site entrance. A new workshop building will be constructed on an area previously occupied by glasshouses within the Nursery site. A HGV parking area together with container storage will be created immediately to the west of Locks Yard on an area previously occupied by polytunnels within the Nursery. Staff and visitor parking will be provided on the area to the south of the existing bungalow, previously occupied by the shop. A new building, the use of which is not specified on plan, is to be constructed to the east of the existing bungalow again on an area previously occupied by glasshouses/polytunnels.

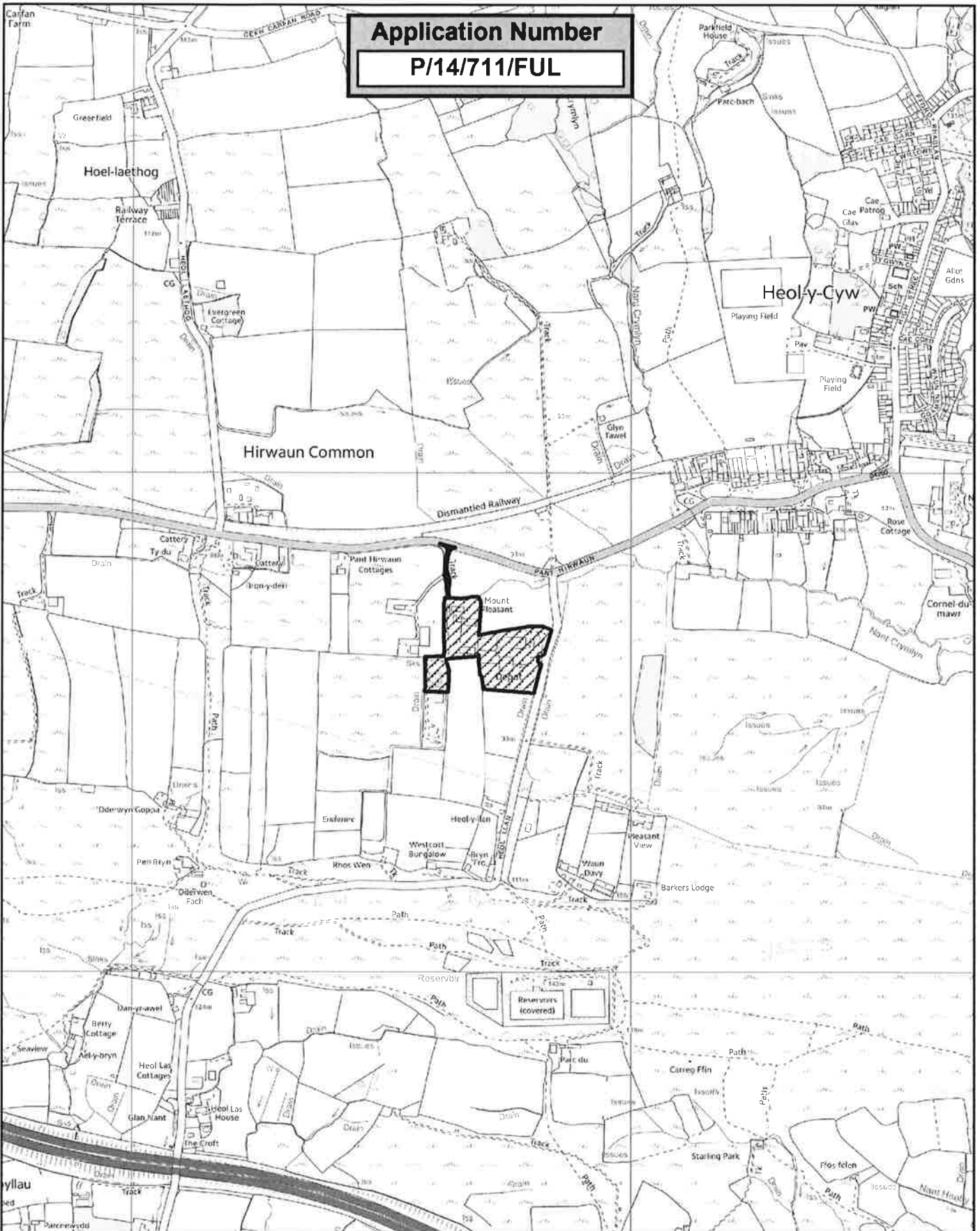
The dimensions of the built elements are as follows:-

Existing Wood Storage Shed - 57.5m by 21.4m with a pitched roof reaching 13.35m
Proposed Drying Area - 30m by 21.4m with a pitched roof reach 13.35m
Proposed Storage Extension to wood storage shed - 57.5m by 4.55m by 10.66m
Proposed storage - 25m by 6.2m by 9.5m
Proposed workshop - 30m by 25m by 7.07m
Proposed Weighbridge Office - 6.4m by 2.6m by 2.7m

The Design and Access Statement clarifies that the extension to the wood storage shed and

Application Number

P/14/711/FUL



Scale 1:10,000

**Date Issued:
15/07/2015**

**Development-Mapping
Tel: 01656 643176**

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
Bridgend CF31 4WB.

O:/Drive/Plandraw/new MI layouts/
Committee DC Plan

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workshop will be steel portal frame buildings with both the sides and roof clad in profiled sheeting or fibre cement profiled sheeting in light grey. The proposed weighbridge building will also be of profiled steel wall with a flat roof containerised office type construction in dark green. CCTV will be used for monitoring and security purposes with camera locations yet to be determined.

RELEVANT HISTORY

89/0460 DOMESTIC EXTENSION	CC	01-JUN-89
P/03/902/FUL WOOD STORAGE AND RECYCLING PLANT	APPROVED +conditions	30-09-2003
P/13/230/RLX VARY RESTRICTIONS ON HEIGHT OF WOOD STOCKPILES - COND 4 OF P/03/902/FUL	Retro App + Conds	11-08-2014
P/13/472/FUL RETENTION OF WOOD STORAGE AND RECYCLING PLANT/FACILITY	APPROVED +conditions	27-08-2014

PUBLICITY

The application has been advertised in the press and on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 25th November, 2014.

NEGOTIATIONS

The applicant's agent was advised of the concerns expressed by the Public Protection Department and required to provide the following additional information:-

1. Details of the wood burners, net rated thermal input of each boiler and an assessment of the emissions from the boilers and air quality impact, including a chimney height calculation to demonstrate that the emissions from the wood burner would be effectively dispersed.
2. A complete description of the wood pelleting process including how the shredded wood will be introduced into the process to begin with and how it will be transferred to this process from the recycling operation.
3. Full explanation of what is meant by consolidation of the existing recycling operation including a description of the whole process and height of stock piles.
4. Details of how dust from all operations concerned with the receipt, processing, storage, movement, loading and unloading of wood and processed material, including dust emissions from the wood drying and pelleting manufacture and points of transfer between each process will be controlled and clarification of how these measures will be effective.
5. A full noise assessment of the whole process including an assessment of the noise from the proposed pellet manufacturing and wood drying/burning operation, to be carried out by a qualified noise consultant and undertaken in accordance with BS 4142:2014. The report to include details of any necessary specific mitigation measures to be provided to reduce noise to an acceptable level.

In addition, the agent's attention was drawn to comments from the Authority's Ecologist which

expressed concern that the application did not provide any details of the potential zone of influence for the development and whether the development would impact on ecologically sensitive designated sites or protected habitats or species. It was highlighted that the Blackmill Woodland Special Area of Conservation and Site of Special Scientific Interest is located within 2km of the site and also that the development is immediately surrounded by the Cefn Hirgoed Site of Importance for Nature Conservation as well as a number of other ecologically sensitive sites. In the circumstances, it was considered that it would be necessary for an assessment of the potential impact of the future operation of the development on ecologically sensitive sites. A copy of the Ecologist's observations was provided for guidance on the type of assessments that are being sought.

The agent was also advised that significant numbers of local residents had objected to the application in individual letters.

Eventually the applicant's agent submitted the following additional information:

- * A flow chart clarifying the processes undertaken at the site;
- * Noise Appraisal;
- * Dust Management and Monitoring Methodology;
- * Septic Tank Details;
- * Detailed Air Quality Assessment

The agent also confirmed that, since submitting the original application, the applicants have decided not to pursue the development of wood pelleting at the site. The consolidation of the existing recycling operation refers to the desire of the applicant to enhance the existing operation by delivering improvements in the operational layout, improve health and safety and environmental controls and to improve on site facilities for staff and visitors. As originally indicated, all wood processing activities will continue to be undertaken within the existing recycling facility boundary and no increase in capacity or additional traffic movements are proposed above those already consented. The applicants collect and receive waste wood from a variety of commercial and industrial and municipal customers. All incoming wood is inspected and separated and processed into woodchips of various size fractions and grades, which are then dispatched to various end-user customers. A major proportion of woodchip outputs are currently supplied as raw material for manufacturing panel board products but other products include mulches, animal bedding and biofuels.

Moisture content of woodchip is critical to meeting the specifications of some markets and woodchip drying facilities proposed in this application would enable the company to increase the quality of its woodchip and expand the available market for its product. In this regard small scale wood fuelled boilers to generate heat to dry woodchip are to be installed - details of these installations and their fuel consumption are provided for assessment.

With regard to the Ecologist's comments, the air quality report submitted in connection with the boilers considers the potential impacts on ecologically sensitive sites. Similarly the dust management and monitoring methodology will also reduce impacts. The applicants have also commissioned consulting engineers to investigate and map on site drainage infrastructure and prepare a drainage plan. A lighting design strategy for biodiversity is also to be prepared and could be included by condition in the event that the Authority is minded to grant consent.

The applicant's agent has highlighted that the applicant held a public exhibition to provide an opportunity for the local community to understand more about the development proposed by the application. The event was publicised in the local newspaper and invitations circulated to around 380 postal addresses surrounding the site. The event was attended by approximately 35 residents (30 of whom signed the visitors book) and also by the local MP and Cllr Alex Owen. A summary of the feedback received from the event has been submitted.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 28th October 2014

Councillor G Thomas

There are concerns in respect of increased levels of noise and dust and this operator's non compliance with regulations in the past. A site inspection is requested to enable the Committee to better appreciate the nature of the development and the constraints of the site.

Head Of Street Scene (Highways)

It is noted that the applicant intends to cut back a highway hedge to improve visibility at the road bend adjacent to the Pant Hirwaun access. This has not been conditioned as it lies outside the application site. This is acceptable in principle but the applicant will need to contact the highway maintenance inspector prior to undertaking these works. In addition, before surfacing the access drive onto Pant Hirwaun, the highway maintenance inspector for the area should be contacted so that he is aware of works immediately adjacent to the highway.

It is also noted that the proposal is likely to result in a small reduction of HGV movements to and from the Heol Llan entrance and that the use of the former Nursery, accessed off Pant Hirwaun for staff and visitors will not result in any additional increase over and above that of the former nursery use. It is also considered that the relatively low level of construction traffic required to implement the works will have minimal impact on the highway network. Subject to conditions, therefore, there are no objections to the submitted proposals.

Destination & Countryside Management

No objection subject to conditions.

Head Of Street Scene (Drainage)

No objection subject to conditions

Natural Resources Wales

No objections

Welsh Water Developer Services

In the event that the Authority is minded to grant consent for the development, it is requested that advisory notes are included within the decision in order to ensure no detriment to existing residents or the environment or to Dwr Cymru/Welsh Water's assets.

The Coal Authority

No objection subject to condition

Economic Development

Support the proposal

Group Manager Public Protection

No objection subject to conditions

REPRESENTATIONS RECEIVED

Coychurch Higher Community Council, Strawberry Fields

Historically the Community Council has had many complaints relating to South Wales Wood Recycling and since the submission has received many telephone calls. For this reason, a public meeting was held on 17th November, 2014 which was attended by more than 70 local

residents from both this Community Council area and St Brides Minor Community Council area. The concerns relate to:-

Noise - Residents are already bothered by noise from the existing site. The application states that boilers and driers will be used on site and it queried what these will be used for and the operating hours proposed for their use.

Vehicular increase - The transport statement says there will be no increase in vehicles at the site. However, since the last planning application, there has been an increase in the number of lorries at the site together with an increase in staff of nearly 50% (note the proposed number of increased parking spaces) and the operating hours have increased. Confirmation is requested as to how the number of lorries using the site is currently measured/monitored and what measures will be put in place to ensure there is no increase from the current number accessing the site.

Highway - On 17th November, six lorries were stacked up outside the present site, waiting to access the site to offload. The access road to the site is narrow and comprises of a T junction which is not designed to accommodate the size of lorries being used. The road in the vicinity is now damaged and in need of repair. The application states the site entrance is to remain as it is. Confirmation is requested as to whether the access road has been visited by Highways. Additionally, there has been a serious accident along the B4280 involving one of the site lorries but there is nothing pertaining to this in the application. Confirmation is therefore requested as to whether Highways are aware of the accident. Additionally, despite the current working hours being 8am-6pm, lorries from South Wales Wood Recycling have been sighted on the B4280 at 3am.

Pollution - Whilst most lorries leave the site with a cover over the wood chip, the covers are not tied down around the whole of the vehicle. The mess on the roads and in the gutters is appalling and photographic evidence of this has been supplied. Woodchip, which has fallen from the lorries can be found in the verges and even in the fields and many residents at the public meeting complained of the need to replace car tyres. Also along the river alongside Brynteg, has had to be unblocked due to being blocked by woodchip, which has fallen off the lorries. The biggest concern, however, is that there is already a problem with dust from the site. If, in the future, the wood chip is to be dried on site, the dust problem is going to be much worse. In the last two years, adders have been found nesting on the common near the site, as well as birds of prey. The impact of the dust on the wildlife and local livestock as well as local residents is a cause of grave concern. Confirmation is therefore requested as to whether an Environmental Impact Survey has been carried out in the area. Confirmation is also requested as to whether the DMP report, requested by the Council within 3 months of the approval of planning application P/13/230/RLX was received.

* Stack - South Wales Wood Recycling originally had a licence of stacks not exceeding 3m. This was increased to 5m with conditions. Residents reported stacks being way above 5m so confirmation is requested as to how the conditions are being monitored, how often and by whom

* Trees - In the previous planning application for this site, one of the conditions was that no trees could be cut down without a formal report being produced, to protect the impact this could have on visual amenity. In this current application, it is stated that trees will be cut down. Confirmation is requested as to whether a formal report on the nature and size of the trees proposed to be removed has been produced.

* Working hours - In the last planning application, one of the conditions stated that the use permitted shall not operate between the hours of 1800hour and 0800 hours on any day and the reason for the condition was that it was in the interests of the amenity of the surrounding area. This new application wants to extend the working hours by proposing to operate 7 days a week. This will affect the amenity of the local area.

* Drainage - The previous application stated no land drainage run off will be permitted to discharge to the public sewerage system in order to prevent hydraulic overload of the public sewerage system and pollution of the environment. There is a stream that runs behind the shed

on the land of Mr Hedley Lane at Heol Llan and the stream travels right through the current site and continues through Mr Yeoman's land and the garden centre (the proposed new extension site) right down to the cattle grid. Confirmation is requested as to how the wildlife in the stream will be protected and the stream kept free from pollution from the site.

Whilst no-one at the public meeting wished anyone to lose their jobs at the site, there is serious concern as to the monitoring of licences and the management of the site. There is no doubt conditions imposed on planning application P/13/230/RLX are not being met. For this reason, the Community Council on behalf of those present at the public meeting strongly object to this application as it stands and will welcome a response to the questions contained in this letter.

49 Individual Letters Or Emails Objecting To The Application, Have Been Received From Local Residents.

The grounds of objection can be summarised as follows:-

Dust - This is already apparent in surrounding areas and photographs have been provided.
Contamination - Concern that dust already contaminates the area and it is questioned whether the proposed drying of the wood will exacerbate this.
Adverse impact on livestock and ponies grazing in adjacent fields.
Drainage - Potential pollution/blockage of existing ditches which run through the site.
Increased risk of flooding if existing ditches/watercourses become blocked.
Noise levels - the current operators do not conform to conditions.
Access - existing access is not considered wide enough for size of vehicles using the site - photographs have been attached.
Gas main under the B4280 at risk of damage from heavy vehicles.
No confidence that applicant will adhere to any conditions attached to planning permissions.
Poor condition of fencing and lack of maintenance allows wind blown rubbish outside the site.
Lorries leaving the site are not properly sheeted and frequently leave trail of wood chips which cause accidents and damage to car tyres.
Existing highway network incapable of coping with size of vehicles currently visiting the premises - particular problems at junctions.
Inappropriate countryside location for heavy industry.
Hours of operation proposed are considered too long and will result in adverse impact on amenities of neighbours.
Large scale of buildings proposed and buildings which will replace existing polytunnels will have an adverse visual impact.
Current plant and traffic levels are disputed and therefore consider that proposals will significantly increase traffic.
How is the site monitored to ensure compliance.
Removal of conifer trees which screen the existing yard will result in adverse visual and general amenity impacts.
Impact on Wildlife
Light Pollution
Lack of consultation
Environmental Impact Assessment not provided.

COMMENTS ON REPRESENTATIONS RECEIVED

The objections raised by local residents will be addressed within the following Appraisal Section of this report.

APPRAISAL

The application is referred to Committee to consider the objections received from local residents

and at the request of the Ward Member and Community Council.

The application seeks consent for the amalgamation of the Bryncethin Nurseries into the existing Lock's Yard Recycling Depot to consolidate the existing recycling operation and to enhance the existing operation by delivering improvements to the site layout, health, safety and environmental controls and staff facilities. Revisions to the site layout are proposed including an extension to the main product building to install boilers for drying the woodchip, installation of a weighbridge close to the existing entrance, resiting of a workshop building onto the southern section of the former nursery and reconfiguration of HGV parking, container storage and staff car parking with improved internal vehicular flows around the site as enlarged.

The site forms part of 'Lock's Yard' which has a long planning history dating back to the 1970s when the site was used as a depot for the parking, repair and maintenance of civil engineering contractors plant, in connection with open cast coal mining in the wider area. The site owners gained consent in 1987 to change the use of the site to general industry in addition to its existing use in order to diversify the firms activities because of the decline in its traditional markets. The permission was however subject to two conditions, one restricting the consent to Lock's (Contractors Equipment) Ltd and the other restricting the use of the site to general industry. In a subsequent permission (Code No. 89/1674 refers) the use of the yard for general industrial purposes was approved subject to conditions requiring the implementation and maintenance of a scheme of screen planting which is still retained on the site's boundaries. No other conditions were imposed controlling the scale and type of operations. Planning records suggest that a number of subsequent uses have operated from the site under the aforementioned consents since.

In 2003, R J C Chumley sought permission to develop a wood storage and recycling facility on the south western corner of 'Lock's Yard'. The Committee report on the application described the process as the storage of locally collected waste and timber products which would be turned into bark-like mulch which would be distributed around the local area for use in horticultural and domestic gardening purposes. Details of the machinery to be used, including noise levels were submitted with the application. It was considered that, given the noise levels and the distances involved, the development would not be prejudicial to residential amenity. In view of the foregoing and the historical use of the site, the proposal was considered acceptable and permission was granted. Conditions were imposed controlling the products that could be processed, the protection and retention of existing trees and hedges, site drainage, hours of operation and the height of the stored materials.

With reference to planning policy, the application site is located in the countryside where development is strictly controlled by Policy ENV1 of the adopted Bridgend Local Development Plan(LDP). It also lies within mineral safeguarding areas which are defined and protected by Policy ENV9. As referred to above the yard has a long established industrial use. Similarly, the Nurseries has cultivated and sold shrubs and plants to the public with substantial glasshouses and polytunnels covering large areas to the south of the existing bungalow with a shop building for sales located to the rear of the property.

As the wood storage and recycling facility processes industrial and commercial waste it must be considered against Policy ENV16 of the LDP which states:

Proposals for the treatment, processing and distribution of commercial and industrial waste such as: (i) Materials Recycling Facilities (MRF); (ii) Mechanical Biological Treatment facilities (MBT); (iii) In-vessel/anaerobic digestion composting facilities, will be directed to sites outlined in Policy SP7. Other waste management facilities will be permitted at appropriate locations primarily within allocated employment sites with specified B2 employment use class allocations provided they meet all of the following criteria:

1) There is no unacceptable impact on the amenity of local residents or adjoining industrial users

through noise, dust, vibration, smells or vermin;

- 2) Arrangements can be made to prevent the pollution of surface or underground water and air;
- 3) The traffic generated can be accommodated safely on the existing highway network; and
- 4) A programme of site management is agreed for the duration of the development.

Policy ENV7 reinforces the aforementioned criteria and states that development proposals will only be permitted where it can be demonstrated that they would not cause a new, or exacerbate an existing, unacceptable risk of harm to health, biodiversity and/or local amenity due to: 1) Air pollution; 2) Noise pollution; 3) Light pollution; 4) Contamination (including invasive species); 5) Land instability; 6) Water (including groundwater) pollution and 7) Any other identified risk to public health or safety.

Furthermore, the Policy confirms that in development areas that are currently subject to the above, any development will need to demonstrate mitigation measures to reduce the risk of harm to public health, biodiversity and/or local amenity to an acceptable level.

With reference to Policy ENV16 it is recommended that the operation subject of this application would be most appropriately located on employment sites with specified B2 (General Industrial) employment uses. Whilst the application site is not formally designated as such in the LDP, the planning history suggests that B2 uses are long established at this location. It is therefore reasonable to determine that recycling wood at this location is, in land use policy terms, broadly acceptable.

Policy ENV16 is, however, a criteria based policy and there has been a significant level of representation received from the local residents in respect of all of the criteria. Negotiations with the applicant's agents resulted in the submission of additional information to address these matters, which include a series of measures and controls to minimise the impacts of the operation on the surroundings and, in particular, the impacts on the occupiers of the nearest residential properties and the environment. The Public Protection Department considers that, subject to conditions requiring the installation of the measures to mitigate impacts, the development is acceptable and to some degree will improve operations, which have been allowed over the long period of time over which the site has operated. The conditions will require implementation of a dust management plan, will limit the height of stockpiles and will specify the approved use of the site as enlarged. In respect of air quality a flue or stack projecting from the drying unit will adequately control emissions from the boiler and a condition specifying the optimum height has been recommended. Whilst the 22m recommended may appear excessive, it is considered that the additional 5.65m above the ridge of the building will not be so significantly detrimental to the visual amenities of the area as to warrant refusal. With regard to noise, conditions controlling opening hours, times for shredding operations and processing of waste together with a noise management plan (containing a scheme of works to minimise the noise being experienced at existing residential receptors) will adequately address this concern. It is also considered that a condition requiring a comprehensive and integrated drainage scheme for the site will overcome concerns in respect of pollution of the ditches and watercourses in and around the application site. Similarly a condition requiring a lighting design strategy can be imposed to mitigate light pollution.

TAN21 provides guidance on how the planning system should contribute toward sustainable waste management and resource efficiency. Paragraph 4.2 of the TAN states that to enable proper consideration of the principles contained within the TAN, a Waste Planning Assessment should be submitted with applications for a waste facility classified as a disposal, recovery or recycling facility. In respect of this application, whilst there has not been the submission of a single document entitled Waste Planning Assessments to accompany the application, sufficient information in respect of the operation, days and hours of operation, the design, layout, building

and plant included within the development, amenity and nuisance prevention measures including light, noise and dust together with emissions from the treatment process has been submitted for assessment. On the basis that the current application is a rationalisation of the existing operations at the site, it is considered that the application is compatible with the requirements of the TAN.

With regard to local residents' fears that the applicants will not adhere to conditions imposed by the Local Planning Authority based on past experience, it is noted that breaches of planning control in respect of the existing operations at Locks Yard are being separately investigated and pursued with the applicant. Much of the information submitted to address concerns in respect of this application also addresses conditions attached to earlier consents and will be assessed prior to determination of whether discharge of these matters can be granted. It is emphasised that each application must be assessed on its individual merits and it would not be possible for a Local Planning Authority to withhold a planning permission in respect of an acceptable development on the basis of previous breaches of control nor is it considered grounds for not using further planning conditions to control the operation. The circular on planning conditions advocates the use of conditions to enhance the quality of development and to enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission.

A number of the objectors raised concerns in respect of traffic movements to and from the site. Conditions requiring the sheeting of lorries will again be imposed, compliance with the submitted Transport Statement and the incorporation of a separation system of HGV and other vehicular traffic by the erection of a barrier at the entrance to the former nursery which will, it is considered, address many of the issues raised. The Highway Authority is unable, however, to control the right of vehicles to utilise the public highway so that issues of road safety outside the application site, damage to verges are not material to the assessment of the planning merits of this application.

A number of respondents have been critical of the publicity arrangements undertaken in respect of the application on the basis that they have not been individually notified of the submission. It should be appreciated that, given the countryside location, there are a limited number of properties in close proximity to the application site and none that share a common boundary. Nevertheless, the Authority has individually notified the closest five residences and, in addition, has placed site notices and advertised the application in the local press. One objector has questioned the absence of an Environmental Impact Assessment (EIA) to accompany the application. The submission has been assessed as a non EIA development and, therefore, there is no requirement to provide such information.

The proposed development does create 3 jobs in addition to the 25 already existing at the site. Planning Policy Wales (PPW) in Chapter 7 on Economic Development requires Local Planning Authorities to ensure that the economic benefits associated with a proposed development are understood and these are given equal consideration with social and environmental issues in the decision making process. This Welsh Government Policy is supplemented by Technical Advice Note 23, which also states that it is essential that the planning system recognises and gives due weight to, the economic benefits associated with new development. "Proposals on land not identified in the plan will often come from established businesses wishing to expand or modernise. Such individual businesses are unlikely to submit candidate sites when development plans are being prepared because few can foresee their land needs years in advance and few are familiar with the planning system. If the planning system prevents such firms from expanding or modernising in situ, significant economic benefits may be foregone."

Whilst the application site is located in the countryside where development is strictly controlled by Policy ENV1 of the adopted Bridgend Local Development Plan and the application site is not formally designated in the LDP, the planning history suggests that B2 uses are long established at this location and, similarly, the Nurseries has cultivated and sold shrubs and plants to the

public with substantial glasshouses and polytunnels covering large areas to the south of the existing bungalow with a shop building for sales located to the rear of the property.

On this basis it is considered reasonable to determine that recycling wood on the main site with a workshop building, reconfigured HGV parking, container storage and staff car parking on the former nursery site is acceptable. It is considered that the imposition and subsequent compliance with the suggested conditions will ensure that the development will accord with the Local Development Plan policy and, importantly, the impacts on the local amenities will be minimised.

Whilst determining this application Policies ENV1, ENV7, ENV16 & SP7 of the Bridgend Local Development Plan, Planning Policy Wales, TAN22 and TAN23 were considered.

CONCLUSION

The objections raised to this development are largely material planning considerations and as such highly relevant to the determination of the application. However, national guidance also indicates that matters of economic benefit be afforded equal weight to other material considerations in the determination of planning applications. In this case it is considered the proposal will safeguard and create a number of jobs and the issues of amenity and highway safety can be mitigated by conditions and/or may be controlled under separate consenting regimes. As such the proposal is considered to comply with national and local policy and, on balance, the likely impacts of development do not outweigh the potential economic benefits of the development.

RECOMMENDATION

(R02) That permission be GRANTED subject to the following condition(s):-

- 1 No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the extensions and buildings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason : To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

- 2 All vehicles, including trailers, which are carrying any woodchip or wood dust, processed on the site, away from the site shall be securely sheeted prior to leaving the premises.

Reason : In the interests of safeguarding the environment, preventing pollution and highway safety.

- 3 The recommendations contained in Sections 4.3 and 4.3.1 of the Dust Management Plan (dated 18 March 2015) shall be implemented within three months of this consent being granted. All works, which form part of the Dust Management Plan (dated 18 March 2015) shall thereafter be maintained in accordance with the approved details.

Reason : In the interests of safeguarding the environment and preventing pollution.

- 4 Apart from the measures identified in Condition 3 above, all other measures detailed in the Dust Management Plan (dated 18 March 2015), including the complaints procedures (Section 4.1.4), which are in place to control and monitor dust shall be maintained in accordance with that plan throughout the duration of the operation of the site as a Wood

Recycling Facility.

Reason : In the interests of safeguarding the environment and the prevention of pollution.

- 5** The height of all external stock piles shall not exceed 5m at any time.

Reason : In the interests of visual amenity and the prevention of pollution.

- 6** The development shall be carried out in accordance with the following approved plans and documents: plan numbers 10914-000-B, 10914-00-C, 10914-00-D, 10914-000-E, 10914-001-A and 10914-001-B .

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

- 7** The premises shall be used for storage and processing of wood, drying the wood within the drying shed with associated boiler, staff, visitor and HGV parking, workshops and container storage associated with South Wales Wood Recycling and for no other purpose including any wood pelleting processing or any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason : To ensure that the Local Planning Authority retains effective control over the use of the site in the interests of general amenity.

- 8** No development shall take place until a detailed specification for the stack on the drying unit has been submitted to and agreed in writing by the Local Planning Authority. The specification as agreed shall be implemented prior to the drying unit being brought into beneficial use.

Reason : In the interests of preventing pollution and safeguarding the environment.

- 9** No more than two external shredders shall be operated at any one time.

Reason : In the interests of preventing noise nuisance and safeguarding the amenities of neighbouring occupiers.

- 10** Opening hours for the receipt of waste wood shall only occur between:-

08.00 hours and 18.00 hours Mondays to Saturdays

And not at all on Sundays, Bank and Public Holidays.

Reason : To ensure that the Local Planning Authority retains effective control over operation of the premises.

- 11** Shredding operations and processing of waste shall only be carried out between the following times:-

08.00 hours - 18.00 hours Mondays to Fridays;

08.00 hours - 13.00 hours Saturdays;

And not at all on Sundays, Bank and Public Holidays.

Reason : To ensure that the Local Planning Authority retains effective control over the operation of the shredders in the interests of safeguarding the amenity of neighbouring occupiers.

- 12** Within 3 months of the date of this consent, a noise management plan containing a scheme of works to minimise the noise being experienced at existing residential receptors from site operations, including use of the shredders and investigation of complaints shall be submitted to and agreed in writing by the Local Planning Authority. The Noise Management Plan shall include the following:

* A scheme of work to reduce the noise from the chipping/shredding and screening operations and all plant associated with the movement, loading and stockpiling of materials;

* If barriers are to be used as a form of noise mitigation, the design/height and construction of the barriers, together with the noise reduction it is intended to achieve. Stockpiles shall not be used as suitable mitigations measures as the height and location of these will vary depending on the inputs and outputs of the site;

* For permanent bunds that are being used as a barrier, the location, height and materials used for the bund. It is understood from the last Noise Management Plan that the height of the bund has been increased, but it is not stated to what height or what noise reduction this has achieved.

* A complaints investigation procedure and the action that will be taken if complaints are found to be justified e.g. details of the current noise being emitted from this plant when it is operating inside the building and outside in the yard, the predicted or measured noise levels at the nearest residential receptor and the expected noise reduction that is expected from any mitigations measures.

Reason : In the interests of safeguarding the amenities of neighbouring occupiers.

- 13** The Noise Management Plan referred to in Condition 12 above shall include a time scale for the implementation of mitigation works, which shall be agreed in writing with the Local Planning Authority. All mitigation works, which form part of the agreed Noise Management Plan, shall be completed in accordance with the agreed time scales and thereafter maintained in accordance with the agreed details.

Reason : To ensure the timely provision of the noise management plan mitigation measures in the interests of safeguarding the amenities of neighbouring occupiers.

- 14** No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road, roof/yard water and surface water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the development being brought into beneficial use.

Reason : To ensure that effective drainage facilities are provided for the proposed development, that flood risk is not increased and pollution prevented.

- 15** Prior to installation, a lighting design strategy for biodiversity for the site shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall:-

* Identify those areas/features on and surrounding the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting

places or along important routes used to access key areas of their territory, for example, for foraging; and

* Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding or resting places.

All external lighting shall be installed in accordance with the agreed specification and locations set out in the agreed strategy and thereafter maintained in accordance with the strategy. No other external lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason : In the interests of safeguarding a European Protected Species, the environment and the amenities of neighbouring occupiers.

- 16** No construction works shall commence on site until the intrusive site investigation works identified in the Coal Mining Risk Assessment have been undertaken. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the development, these remedial works shall be undertaken prior to the development being brought into beneficial use.

Reason : In the interests of safety and to mitigate potential adverse impacts from any coal mining legacy present on the site.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) The objections raised to this development are largely material planning considerations and as such highly relevant to the determination of the application. However, national guidance also indicates that matters of economic benefit be afforded equal weight to other material considerations in the determination of planning applications. In this case it is considered the proposal will safeguard and create a number of jobs and the issues of amenity and highway safety can be mitigated by conditions and/or may be controlled under separate consenting regimes. As such, the proposal is considered to comply with national and local policy and on balance the likely impacts of development do not outweigh the potential economic benefits of the development.

(b) The developer is reminded of their responsibilities in respect of the management of non-native invasive plant species such as Himalayan Balsam and Japanese Knotweed under the provisions of the Wildlife and Countryside Act, 1981

(c) To satisfy the drainage condition, the following supplementary information is required:-

* Full details of any existing arrangements and/or

* Infiltration tests to confirm acceptability of any proposed soakaway

* Design calculations, storm period and intensity, method employed to delay and control the surface water discharged from the site and measures taken to prevent the pollution of receiving groundwater and/or surface water

* A timetable for implementation

* A management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

(d) Foul and surface water discharges shall be drained separately from the site.

(e) No surface water shall be allowed to connect either directly or indirectly to the public sewerage system.

(f) Land drainage run off shall not be permitted to discharge either directly or indirectly into the sewerage system.

(g) The developer is reminded that the site is permitted under the Environmental Permitted (England and Wales) Regulations (As Amended) 2014. Any extension or change in operation may require a change to the permit and therefore Natural Resources Wales recommend the enquiries line is contacted on 0300 065 3000 or enquiries@naturalresourceswales.gov.uk.

(h) With respect to Condition 8 the details shall reflect a stack with a minimum height of 22m.

(i) The observations of Natural Resources Wales are attached for the developer's consideration and information in respect of emission into surface waters or groundwaters and pollution prevention.

(j) The developer is advised that the implementation of any part of this consent will result in the creation of a new planning unit whereby all previous planning permissions are superseded and are no longer relevant.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None