



PLANNING & DEVELOPMENT COMMITTEE

25 FEBRUARY 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0984/10 (KL)
APPLICANT: Rapidgrid Limited
DEVELOPMENT: Proposed new building to house a 500kw biomass boiler, woodchip storage area together with an office extension and associated works.
LOCATION: SIXTEENTH AVENUE, HIRWAUN INDUSTRIAL ESTATE, HIRWAUN
DATE REGISTERED: 17/09/2020
ELECTORAL DIVISION: Rhigos

RECOMMENDATION: Approve, subject to conditions

REASONS: The proposal relates to the construction of an additional industrial-style building to house a biomass boiler and the extension of an existing office building at an established industrial site in Hirwaun Industrial Estate. The principle of the proposal is therefore considered to be acceptable.

The proposed buildings are considered to be of an acceptable scale and design and are in-keeping with the existing buildings at the site and within the wider industrial estate. It is therefore not considered that the proposal would have an adverse impact upon the character and appearance of the site or the surrounding area. Furthermore, the proposed buildings are a sufficient distance away from nearby residential properties to ensure that they would not have a detrimental impact upon their amenity (in terms of being overbearing or resulting in any overshadowing) and privacy.

It is noted that the nature of a biomass boiler may release emissions into the surrounding area however, the applicant has submitted the specifications of the boiler to be installed which confirms that emission levels would be low. Furthermore, the Council's Public Health and Protection Division have not raised any objection in this regard.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development;
- The applicant is a serving Elected Member or their immediate family;

APPLICATION BACKGROUND

Members of the Committee will recall that the application was first reported to the Planning and Development Committee on 17 December 2020 where it was resolved to defer the determination of the application to a future meeting to enable Officers to receive final comments from Natural Resources Wales and await the outcome of the Article 18 Direction from Welsh Government.

Since that meeting, Natural Resources Wales have viewed the boiler specification submitted by the applicant and have confirmed that they have no objections to the proposal. Welsh Government have also issued a decision confirming that the application will not be called in for determination by the Welsh Ministers and that the direction issued by Welsh Ministers under Article 18 of the DMPO on 4 December 2020 for this application is cancelled. The application can therefore now be determined by the Council.

APPLICATION DETAILS

Full planning permission is sought for the construction of a new building to house a 500kw biomass boiler and woodchip storage area within the curtilage of an existing industrial unit on Sixteenth Avenue in Hirwaun Industrial Estate, Hirwaun. The proposal also includes the construction of an extension to the existing office building.

The proposed new building which would contain the proposed biomass boiler and woodchip store, would be constructed at the southern-most part of the site, adjacent to an existing maintenance building. It would measure 10 metres in width by 15.6 metres in depth with a pitched roof design that would measure 7.8 metres in height to the ridge and 6.8 metres in height to the eaves. A flue would protrude 1 metre above the ridge of the roof towards the rear of the building. Two roller shutter doors would be situated within the front elevation with a personnel door being located in each of the side elevations. External materials would consist of matt black cladding.

The proposed extension to the existing office building would project beyond its east facing side elevation by 10.6 metres. It would measure the full depth of the existing building at 10.3 metres and would incorporate a hipped roof design to match that of the existing roof (8.5 metres in height to the ridge and 5.5 metres in height to the eaves). A new external steel fire escape would be attached to its side elevation. All materials of the proposed extension would match the existing building.

In addition to the standard application forms and plans, the application is supported by:

- Specifications of the biomass boiler

SITE APPRAISAL

The application site relates to an existing industrial and office premises which is located to the north and north-eastern side of Sixteenth Avenue in Hirwaun Industrial Estate. The site is accessed via an entrance to the western boundary with a large detached office building located towards the most northern part of the site and a detached industrial-type building towards the most southern end. A number of on-site car parking spaces and a large turning area are located centrally between the office and industrial buildings.

The surrounding area is predominantly characterised by a number of industrial and/or commercial properties, although it is noted that there are a number of residential properties located in Halt Road approximately 250 metres to the west.

PLANNING HISTORY

08/1815	Land off Sixteenth Avenue, Hirwaun Industrial Estate	New offices and service depot	Granted 06/03/09
08/1570	Y Graig Rapidgrid Ltd, Sixteenth Avenue, Hirwaun Industrial Estate	Proposed fencing off of site	Granted 06/11/08

PUBLICITY

The application has been advertised by means of direct neighbour notification letters and through the erection of site notices in the vicinity of the site. One letter of objection has been received in relation to the proposal and is summarised as follows:

- Concern is raised with regards to the scale of the proposed building and the biomass boiler;
- The boiler will necessitate a big flue to release emissions which will produce and disperse air borne pollutants over the surrounding area and over residents who have the misfortune to live nearby;
- The boiler will impact the health of many residents;
- The proliferation of proposed developments on a small site like Hirwaun Industrial Estate, who are themselves pollutants, who require emission stacks ranging from 35-90 metres and numbering up to 6 in total, the cumulative effect of these emissions cannot be overstated;

- Sooty deposits will fall on everything in its path dirtying clean washing and windowsills;
- Odours, smell and smoke will also pervade our homes and linger on clothes and washing;
- Potential fire hazard with emissions, and proximity of boiler to highly flammable businesses nearby;
- Residents have experienced many weary years of enduring various factories and sites that have been through planning applications and permissions and then have abandoned/ignored regulations – problems include a previous biomass boiler causing odour and sooty fallout, lack of filtration and ventilation, problems with HGVs, wagons and trailers from the industrial estate using our residential road as a shortcut;
- In these unprecedented times when fresh air and outside activity is being promoted as a means to keep healthy, we find ourselves trying to fight for any breath of fresh air we can as numerous polluters, all concentrated in a small area, attempt to compromise the air we breathe;
- Queries how the proposal fits in with the Wales Well Being of Future Generations Act (2015).

CONSULTATION

The following consultations have been received:

Countryside, Landscape & Ecology: No objection.

Highways and Transportation: No objection subject to conditions relating to additional parking, surface water run-off and the provision of a Construction Method Statement.

Natural Resources Wales: No objection. It is noted that Blaen Cynon Special Area of Conservation (SAC) & Cors-y-Bryn-Gaer Site of Special Scientific Interest (SSSI) is located approximately 1000m away from the site however, it is not considered that the emissions from the proposal will be of a scale that could lead to adverse effects to the SAC either alone or in-combination with other current projects. It was requested that details are made available of the boiler technical specifications and that these are placed on the planning record. This will aid air quality in-combination assessments of future cases in this area and in relation to Blaen Cynon SAC. As detailed above, the applicant has provided the specifications, as requested.

Public Health and Protection: Provides comments in relation to hours of operation, noise, dust and waste and recommends conditions in relation to site investigations (contaminated land). The comments also provide advice on permitting and the Clean Air Act 1993.

Welsh Water: Advises that the site is crossed by public sewers and that no works will be permitted within 3 metres either side of the centreline of those public sewers. The

comments are accompanied by a plan showing the approximate locations of the public sewers however, these do not appear to be in the vicinity of the proposed works. Further advisory notes recommended in relation to discharge of trade effluent to public sewerage system and Sustainable Drainage Systems. Having assessed the plan provided by Welsh Water, the sewers are not likely to be affected by the construction of the proposed building/extension however, the issue will be added as an advisory note.

No other responses had been received at the time of writing this report.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1: emphasis on building strong, sustainable communities.

Policy AW2: advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5: sets out criteria for new development in relation to amenity and accessibility.

Policy AW6: requires development to involve a high-quality design and to make a positive contribution to place making, including landscaping.

Policy AW10: development proposals must overcome any harm to public health, the environment or local amenity.

Policy AW14: states that mineral resources shall be safeguarded from any development which would unnecessarily sterilise them or hinder their extraction.

Policy AW12: promotes the provision of renewable and non-renewable energy such as schemes for energy from biomass where it can be demonstrated that there is no unacceptable effects upon ecology, public health and residential amenity.

Policy CS9: identifies Hirwaun Industrial Estate as a regional site to accommodate a range of waste management options, including recycling and composting.

Supplementary Planning Guidance

Design and Placemaking

Access Circulation and Parking

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets

out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 8: Renewable Energy;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

The main issues for consideration in this application are the principle of the proposal and the impact of the proposal upon the character and appearance of the site and surrounding area, upon the amenity and privacy of surrounding properties, upon highway safety in the vicinity of the site and upon the nearby Special Area of Conservation.

Principle of the proposed development

The proposal relates to the construction of an additional industrial-style building to house a biomass boiler and the construction of an extension to an existing office building at an existing industrial site which is located within Hirwaun Industrial Estate. The site is located outside of the defined settlement boundary however, as it is an existing use within an established industrial estate in which there are various different commercial uses and buildings in operation, the principle of the proposal is considered to be acceptable, subject to an assessment of the criteria set out below.

Impact on residential amenity and privacy

One letter of objection has been received from a resident of Halt Road, which is located approximately 250m to the west of the application site. Concern is predominantly raised with regard to the scale of the proposed buildings and the resulting impact of the biomass boiler upon the amenity of surrounding residents.

In terms of the scale of the proposed buildings, the site is located within an established industrial estate and is therefore largely surrounded by other industrial and commercial units of varying scales and designs. Given the separation distances between the site and the nearest residential property in Halt Road, it is not considered that the construction of the office extension and the biomass boiler building would result in any adverse impacts relating to loss of outlook, overshadowing or loss of privacy. Furthermore, there is an existing industrial unit of a much larger scale to that proposed located between the site and properties in Halt Road. The proposed development would therefore not be particularly visible from those properties and it is not considered that it would adversely impact upon their amenity or privacy.

Whilst the objector's concerns in relation to the biomass boiler are noted, no objection has been received from the Council's Public Health and Protection Division in this regard. The applicant has provided the specification of the boiler to be installed (Firematic 80-499kW) which confirms low emission levels as well as automatic de-ashing into ash bins. The proposed flue would project 1m above the ridge of the roof of the proposed building and taking this into account, it is not considered that the boiler would result in significant emission levels, odours or smoke that would adversely affect nearby residents. Furthermore, the boiler may be subject to a separate permit under the Clean Air Act.

It is noted that other factories/sites may have abandoned/ignored regulations however, this would not be reason to refuse the current application. In any case, there is separate environment health legislation available should such issues come to light in the future.

In light of the above and whilst the concerns of the objector are noted, the proposal is considered to be acceptable in terms of the impact it would have upon the amenity and privacy of nearby residential properties and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Impact on the character and appearance of the area

The proposed building that would contain the proposed biomass boiler is considered to be acceptable in terms of its siting, scale and design. The site is situated within an established industrial estate which is typically characterised by a number of large industrial-style units. The building would be finished with materials that are considered appropriate to an industrial setting and it is therefore not considered that the proposed building would appear out of context with the surrounding area.

The proposed extension to the existing office building is also considered to be acceptable in terms of its siting, scale and design. The extension would be situated on the eastern side of the building where it would be less visible from the road (to the western side of the building). It would respect the scale of the existing building by not projecting beyond either the front or the rear elevation or above the existing roof line. Furthermore, all external materials would match those of the existing building.

As such, the proposal is considered to be acceptable in terms of the impact it would have on the character and appearance of the site and surrounding area and the application would therefore comply with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

The application has been assessed by the Council's Highways and Transportation Section with a view to determining the potential impact of the proposal upon highway safety in the vicinity of the site. The response received does not raise any objection to the proposal. The comments are summarised as follows:

Access

The application site is accessed off Sixteenth Avenue and is acceptable for safe vehicular and pedestrian movement. The proposed development would be served via an existing private access road which measures 8m in width which narrows to 5.8 metres. A 1.8m wide pedestrian footway link to the existing office building is also provided. There is an area for the turning of HGV vehicles which is acceptable, along with a car park containing 20 car parking spaces. All vehicles can access/egress the site in a forward gear.

Parking

The Council's SPG: Access, Circulation and Parking indicates that the existing and proposed use requires up-to a maximum of 33 off-street car parking spaces however, only 20 are provided within the site. There is potential to provide additional off-street car parking within the curtilage of the site and a condition to secure additional car parking within the site is therefore recommended accordingly.

In light of the comments received from the Highways and Transportation section, the proposal is considered to be acceptable in terms of the impact it would have upon highway safety in the vicinity of the site (subject to conditions) and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Drainage

The details of the application have been assessed by the Council's Flood Risk Management team who have confirmed that as the development is in excess of 100m² details of surface water drainage will be covered via a separate application for Sustainable Drainage Approval.

Ecology

The application site is located in proximity to a Site of Important Nature Conservation (SINC) and to Blaen Cynon Special Area of Conservation (SAC). As such the Council's Ecologist and NRW have been consulted in order to determine the potential impact of the proposal upon these designations.

Natural Resources Wales have not raised any objection to the proposal and state that they are satisfied that the emissions from the proposal will not be of a scale that could lead to adverse effects to the Blaen Cynon SAC either alone or in combination with other current projects. It is recommended that details of the boiler technical specifications be made available and placed on the planning record in order to aid air-quality in-combination assessments of future cases in this area and in relation to Blaen Cynon SAC. This approach is echoed by the Council's Ecologist.

The applicant has provided a specification document of the boiler to be installed at the site and this has been made available in the details of the application on the Council's website. A copy has also been forwarded to NRW for further comment however, no response had been received at the time of writing this report.

In addition to the impacts of the development on the SAC, the Council's Ecologist notes that the footprint of the proposed development is small and considers that only car parking/mown grass areas would be affected. As such, it is considered that the direct ecological impacts would be minimal and no survey work is required in this instance.

Other issues raised by objector

The objector makes reference to The Well-being of Future Generation (Wales) Act 2015. The planning system, by its very nature, respects all legislation that influences it and the rights of individuals whilst acting in the interest of the wider community. It is an intrinsic part of the decision-making process for the Council to assess the effects that a proposal would have on individuals and weigh these against the wider public interest in determining whether a development should be allowed to proceed. In carrying out this balancing exercise, the Council will of course wish to be satisfied that

it has acted proportionately. In the present case, as detailed in this report, officers have considered and balanced those material considerations relevant to the application in making the recommendation to Committee.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the development and in respect of its impact upon the character and appearance of the site and surrounding area, its impact upon the amenity and privacy of surrounding industrial units and nearby residential properties, its impact upon highway safety in the vicinity of the site and its impact upon the nearby Blaen Cynon SAC.

RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Site Plan
- Drawing no. 03: Proposed Site Layout (rec. 16th September 2020);
- Drawing no. 04: Proposed Biomass Boiler Building (Rec. 16th September 2020);
- Drawing no. 05: Proposed Extension to the Offices (rec. 4th November 2020);
- Biomass Boiler Specifications (Rec. 25th November 2020)

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Notwithstanding the submitted plans the development shall not be brought into use until space has been laid out within the site for 33 vehicles to be parked in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The spaces shall be retained for the parking of vehicles thereafter unless agreed in writing with the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the LPA. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

- 1) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
- 2) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not

be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.

- 3) A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the LPA. Any validation report shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

7. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the LPA prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan