

PLANNING COMMITTEE	DATE: 18/05/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

Application Number: C14/1012/14/LL
Date Registered: 17/10/2014
Application Type: Full - Planning
Community: Caernarfon
Ward: Peblig

Proposal: SITING OF NEW BIOMASS BURNER UNIT WITHIN EXISTING ENCLOSURE, ERECT A NEW CHIMNEY TOGETHER WITH CREATING AN EXTENSION TO HOUSE A SHREDDER

Location: WELCOME FURNITURE, CIBYN INDUSTRIAL ESTATE, CAERNARFON, LL552BD

Summary of the Recommendation:

TO APPROVE WITH CONDITIONS

1. Description:

1.1 This is a full application to site a new biomass burner unit within an existing enclosure, erect a new chimney together with creating an extension to house a shredder at the rear of an industrial unit known as Welcome Furniture, which is located on the northern outskirts of Cibyn Industrial Estate in Rhosbodruall, Caernarfon. A residential area is located to the north of the site, the main road that serves the industrial estate off the class I county road (Ffordd Llanberis) lies to the east of the site, the industrial estate itself is located to the south of the site and to the west of the site lies a public path and agricultural land further afield.

1.2 The development can be split into the following elements:-

- The siting of a new biomass unit to replace the unit that exists at present within the existing enclosure. The existing unit cannot cope with the waste that is being produced and that needs to be incinerated on site (materials such as sawdust and off-cuts of wood). The new 999kW unit will negate the need to transport waste to an infill site, reduce fuel and transportation costs, create empty space and produce warm water and heating for the unit, reduce carbon emissions to the environment and will generally contribute to the conservation of fuel and power.
- For the new biomass unit to work effectively and in order to conform to the statutory health and safety/environmental regulations it will be necessary to install a new chimney above the biomass unit and through the roof of the enclosure to a height of 5m (15m in total) above the existing roof ridge, with a grey coloured matt finish and a diameter of 0.32m. It is required to have this height, location and size in order to safely dispense of pollution into the environment.
- Create an extension which measures 9.2m of height, 5.1m of depth with a single-rise roof measuring 6m of height to the ridge with its design and size reflecting the size of the extension which shelters the existing biomass unit. Inside the extension, a shredding machine would be housed and this machine would be used for preparing off-cuts to be incinerated in the biomass unit. It would be made of grey coloured steel profile cladding in order to be in keeping with the existing extension.

1.3 The intention is to continue to use the biomass unit 24 hours a day, 7 days a week, and the shredder between 06:00 - 18:00 Monday to Friday. The current working hours of the industrial unit are 06:00 - 18:00 Monday to Friday and 06:00 - 12:00 on Saturdays with the yard open from 06:00 - 18:00 Monday to Saturday and between 12:00 - 18:00 on Sundays and Bank Holidays. There is no intention to change these hours.

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1.4 The biomass burner unit along with the associated machines/equipment have been located at the rear of the unit since 2002 when the original application for a dust extractor was approved. In 2010, an application for a biomass burner unit together with a new extraction system was approved, and in 2011 an application for storing new dust extraction units was approved. These applications are a reflection of not only the applicant's intention to be self-sufficient but also responding to changes in statutory requirements and regulations involving health and safety matters, together with meeting national fuel sustainability/conservation targets.

1.5 The following was submitted with the application:-

- Design and Access Statement
- Technical assessments and reports involving the design and size of the chimney together with a noise assessment.

1.6 The noise assessment states that the existing extension (which is an enclosure for the biomass unit) along with the new extension for the shredder would be insulated by acoustic cladding and that this mitigating measure would reduce noise levels from the existing levels by conforming to LAeq 5 minute 23dB noise levels during the night and LAeq 1hour 45dB at daytime (in accordance with statutory requirements).

1.7 The site has been used for industry since the 60s when it was used for heavy machinery before the remainder of the industrial estate was developed. At present, the unit is being expanded further to create a storeroom, a canopy and an enclosure to house goods. This development was approved in November 2011, under reference C11/0735/14/LL.

2. Relevant Policies:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 Gwynedd Unitary Development Plan 2009:

POLICY A1 – ENVIRONMENTAL OR OTHER IMPACT ASSESSMENTS

Ensure that sufficient information is provided with the planning application regarding any environmental impacts or other likely and substantial impacts in the form of an environmental assessment or assessments of other impacts.

POLICY A3 – PRECAUTIONARY PRINCIPLE

Refuse proposals if there is any possibility of serious or irreversible damage to the environment or the community unless it can be shown conclusively at the end of an appropriate impact assessment that the impact can be negated or mitigated.

POLICY B22 – BUILDING DESIGN

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and character of the local landscape and environment.

POLICY B23 – AMENITIES

Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

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POLICY B24 – ALTERATIONS AND BUILDING EXTENSIONS WITHIN DEVELOPMENT BOUNDARIES, RURAL VILLAGES AND THE COUNTRYSIDE

Ensure that proposals for alterations or extensions to buildings conform to a series of criteria aimed at protecting the character and amenity value of the local area.

POLICY B25 – BUILDING MATERIALS

Safeguard the visual character of the Plan area by ensuring that only natural Welsh slates or slates that are similar in terms of their appearance, colour and weathering properties are permitted, other than in circumstances in which the type of building or its particular setting, or the sustainability benefits, are such that another material would be appropriate. In respect of other parts of the building, development will be required to use high quality building materials that complement the character and appearance of the local area. Proposals that introduce substandard or intrusive materials will be refused.

POLICY B33 – DEVELOPMENT THAT CREATES POLLUTION OR NUISANCE

Protect human amenities, the quality of public health and the natural or built environment from high levels of pollution.

POLICY C27 – RENEWABLE AND SUSTAINABLE ENERGY SCHEMES

Proposals for renewable energy and sustainable energy management schemes will be approved provided that a series of criteria relating to the impact on the visual quality of the landscape and environmental and social factors can be met.

POLICY D8 – EXPANSION OF EXISTING ENTERPRISES

Proposals to extend/expand/intensify industrial enterprises and existing businesses or other enterprises will be approved if they conform with specific criteria regarding the appropriateness of the existing use in relation to the surrounding area and adjacent uses and how relevant it is to the existing work.

2.3 National Policies:

Technical Advice Note (NCT) 12 Design (2014).

Planning Policy Wales, Version 7, (2014).

TAN 11 Noise (1997).

TAN 23 Economic Development (2014).

3. Relevant Planning History:

- 3.1 Application number C11/0735/14/LL – extensions to the industrial estate by creating a canopy above existing door together with storeroom - approved November 2011
- 3.2 Application number C11/0472/14/LL - retain dust extraction units in order to compensate for the unit that was moved from the northern elevation (retrospective application) - approved December 2011
- 3.3 Application number C10A/0292/14/LL – retention of dust extraction system, external stairs, along with erecting an extension to house an incinerator unit and two extraction pipes - approved October 2010
- 3.4 Application number C06A/0499/14/LL - extension and extend the car park - approved August 2006

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3.5 Application number C02A/0728/14/LL – siting of a dust extraction unit (retrospective application and amendment to what was refused under application number C02A/0060/14/LL) - approved June 2005

3.6 Application number C02A/0060/14/LL - siting of dust extraction unit (retrospective application) - refused April 2002, based on the detrimental impact of the unit on local residential amenities

4. Consultations:

Community/Town Council: Support

Natural Resources Wales: No objection as the burner unit will be licensed by Gwynedd Council (Public Protection Service).

Public Protection Unit: Offer observations on:-

- (i) noise - in order to protect neighbouring residents noise deriving from the proposal should not be heard in nearby houses. To this end, an amended noise assessment was submitted which states that the relevant statutory requirements can be conformed to. In order to ensure conformity with the contents of the noise assessment strict specific conditions should be included should this application be approved;
- (ii) air quality - no concerns regarding this element of the application (following the results of an air pollution report conducted by environmental consultants) as the unit, with a chimney measuring 15m of height, would not impact on statutory air quality protection objectives.

Public Consultation: A notice was posted on the site and nearby residents were notified following the amended plans. The advertising period has ended and correspondence was received objecting on the following grounds:

- The biomass unit works constantly despite time restriction conditions included in previous applications.
- The residential amenities of nearby residents are undermined by odours, litter together with noise pollution which derives, and could derive, from the existing/proposed biomass unit.
- Object to further developments on the site unless the matters regarding noise, litter and odours are solved to the full satisfaction of local residents.
- The noise assessment submitted is inadequate and inaccurate in parts.
- Concerns that emissions from the unit would be blown towards nearby residential dwellings.
- No confirmation on how the biomass unit will be monitored.
- Who will be responsible for ensuring that materials being incinerated are legal?
- Not convinced that siting the shredder in a building will alleviate the noise it creates.

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In addition to the abovementioned objections, objections were received that were not valid planning objections:

- The mess that exists within the site based on litter and waste materials from the furniture manufacturing unit itself.
- A lack of natural screening across the north-eastern boundary of the site with nearby dwellings following the damage caused by extreme weather in 2013.

In response to these last concerns, the Public Protection Unit and the Enforcement Unit are investigating these concerns as separate matters.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The principle of expanding existing enterprises is based in Policy D8 of the GUDP, which states that proposals relating to extending/expanding/intensifying existing industrial enterprises and businesses will be approved subject to compliance with a number of guidelines relating to ensuring the existing use does not cause significant harm to the surrounding area, that the proposal is located within the existing development, that the proposal is ancillary to the work that exists there already, that the scale of the proposal will not significantly impact environmental amenities and the local roads network and that the proposal includes landscaping measures.
- 5.2 To this end it is believed that this latest proposal is acceptable in principle given the following:-
- Given this entire assessment, it is not believed that the latest proposal will cause significant harm to the area surrounding the site, despite the receipt of objections that refer to existing problems that cause concern for local residents based on noise disturbance and pollution.
 - The principle of developing the industrial unit together with the biomass unit has already been established in 2002.
 - The latest proposal is located within the industrial unit's curtilage.
 - The proposal is ancillary to the current use.
 - It is not believed that the scale of the proposal will substantially impact the environment given the location of the work directly opposite the current structure.
 - It is not believed that landscaping measures will be necessary in terms of the location of the proposal in relation to the setting of the neighbouring houses, and due to the fact that the area of the site at the rear of the unit is narrow.
- 5.3 These objectives are also reflected nationally by the Welsh Government in the following documents:-
- Technical Advice Note (TAN) 23 Economic Development (2014) which states that "it is a central objective of the planning system to steer developments to appropriate

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locations (for example, within development boundaries)” and that the impact of any economic development on the environment and socially should be carefully considered. It expands by stating that “Local planning authorities should recognise market signals and have regard to the need to guide economic development to the most appropriate locations, rather than prevent or discourage such development”. In this case economic use has historically been established on the site, and it forms part of the industrial estate.

- Planning Policy Wales (2014), Chapter 7 Economic Development states “...local authorities should aim to steer economic development to the most appropriate locations, rather than prevent or discourage such development”. It expands on this by stating “Local planning authorities should adopt a positive and constructive approach to applications for economic development”.

5.4 Policy A1 of the GUDP states that proposals will be refused unless sufficient information is provided with the planning application concerning any significant likely environmental or other impacts (for example, noise, health and ecological matters etc). Although the proposal in question is not the subject of an Environmental Assessment under the guidelines of Schedule 2, The Town and Country Planning (Environmental Impact Assessment) (Amendment) (Wales) Regulations 2006 (as it is not believed that the proposal would likely cause significant harm to the environment due to its location, size, nature and suitable mitigating measures) the Local Planning Authority will still require adequate information in order to make an informed decision regarding planning applications.

5.5 To this end, technical assessments and reports and a noise assessment were submitted with the application involving the design and size of the chimney, and it is believed that the contents of this technical information along with receiving the observations of the Public Protection Unit enables the Authority to fully assess the application in terms of its impact on the natural environment and the local neighbourhood. Policy C27 states that proposals for plans for renewable energy and energy management will be approved, subject to conformity with several criteria that involve, for example, safeguarding the visual amenities of the landscape and ensuring that the proposed development will not create an unacceptable increase in noise levels, odours, dust or gases.

5.6 Given the above it is believed that the principle of the development is acceptable subject to conformity with the policies assessed below.

Visual amenities

5.7 The previous permissions that involved developing this part of the industrial unit have meant siting various purposeful structures on the external elevation at the rear of the unit which, more or less, contains pipes and galvanised steel boxes and placed on steel frames together with an enclosure made of grey steel profile cladding. Although the majority of the equipment is located under the ridges of the unit’s roofs, one chimney/extractor stands approximately 2m above one of the roof ridges. The location of the equipment and associated structures, the materials and their designs are controlled and shaped by the statutory requirements of regulatory bodies and it is not possible to cover them with cladding. The floor area of the existing equipment is 204m² and should this application be permitted, it would add 33m² to the existing total which is tantamount to a rise of 16%. It is difficult to try to assimilate industrial structures that look like this into their backgrounds, especially based on the fact that the proposal also involves installing a new chimney/abstractor which will expand 5m

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higher than the ridges of the existing roof. However, the applicant has aimed to reduce the visual impact of these additional structures so that the proposed extension corresponds with the existing extension based on its design, size, symmetry and appearance, together with painting the chimney matt grey in order to reduce the effect of sunlight on it.

- 5.8 Although the equipment is on the external side of the unit they are not completely visible until someone travels along the road exactly adjacent to the rear of the site, and the view of the equipment from the remainder of the estate is intermittent. The chimney would be more visible due to its height, but the fact that the site is an industrial site located on an established industrial estate should be considered, and it is inevitable that these type of structures are an integral part of the character of such areas. Given the above, it is believed that the proposal is acceptable based on the requirements of Policies B22, B23, B24, B25 and D8 of the GUDP.

General and residential amenities

- 5.9 As referred to above, residential units are located to the north of the site and objections have already been received in relation to this latest proposal. The main objections and complaints involve noise and disturbance and the concern that the existing biomass unit is in operation 24 hours a day, 7 days a week, which is contrary to planning conditions. In this context, the relevant application is application number C11/0472/14/LL which was approved in December 2011 for the retention of dust extraction units, together with application number C10A/0292/14/LL for the retention of a dust extraction system and an extension, approved in October 2010. Conditions have been included in these permissions which restrict when the equipment can be used together with noise level maximums. It is clear from the contents of the objections that the applicant is breaching these conditions based on the concern that the biomass unit is in operation 24/7.
- 5.10 The Public Protection Unit together with the Enforcement Unit are aware of this situation, but due to the fact that this current application has been submitted they will not undertake an enforcement case at this time, which is in accordance with the advice in Planning Policy Wales, Chapter 3 Making Planning Decisions and Enforcing Them (2014).
- 5.11 In this specific case, and despite receiving objections and complaints from local residents, there is an opportunity here, should this application be approved, to undertake mitigating measures to ensure that the new system/equipment will conform to statutory noise levels requirements, in the hope that as a result there would not be a significant and substantial impact on the residential and general amenities of nearby residents. Controlling measures in this case will include imposing planning conditions involving the equipment's hours of operation, together with installing maximums on the noise levels that will derive from the biomass unit and the shredder. In future, should a situation arise where a breach of planning conditions has happened, then it will be possible to undertake adequate enforcement investigations at that time.
- 5.12 Concerns have also been received relating to pollution dispensation, such as nitrogen oxide, deriving from the unit being blown towards nearby residential dwellings. As referred to above, the Public Protection service has assessed the pollution emissions assessment submitted as part of this application, and has come to the conclusion that there is no risk to the local population in terms of a decline in the air quality of the nearby area should this application be approved and if it conforms with the results of the assessment itself.

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- 5.13 Given the above and the requirements and advice of Chapter 13, Minimising and Managing Environmental Risks and Pollution, Planning Policy Wales, and by carefully weighing up the need to avoid substantial and significant harm to the environment and local society with the economic benefits, should this application be approved it is believed that the proposal is acceptable subject to the inclusion of strict relevant conditions and therefore, it is considered that it conforms with the requirements of Policy A1, A3, B33 and D8 of the GUDP as well as national guidance.

Sustainability matters

- 5.14 This latest proposal is an attempt by the applicant not only to be self-sufficient but also to respond to changes in statutory requirements and regulations involving health and safety matters, together with meeting national fuel sustainability/conservation targets. These objectives reflect the advice included in TAN 23, Economic Development, which states - "The planning system should positively and imaginatively seek such 'win-win' situations, where the development contributes to all dimensions of sustainability". This objective is also generally reflected in Chapter 7 of Planning Policy Wales, Economic Development, which states - "They (local planning authorities) should look favourably on proposals for new on-site low carbon energy generation including, for example, high efficiency energy recovery from waste...provided that there are no unacceptable impacts on local amenity". Therefore, it is believed that the proposal is acceptable based on the requirements of Policy C27 of the GUDP together with relevant national guidance.

Relevant planning history

- 5.15 As referred to above, there is an extensive history involving siting and constructing equipment, biomass and dust extraction structures at the rear of the industrial unit, and as referred to above the principle of developing the rear has been set and accepted back in 2002. To this end, it is therefore believed that the history of the site is a material planning consideration and is material while considering this current application.

The economy

- 5.16 National advice and guidelines (TAN 23 and Planning Policy Wales) emphasise that local planning authorities should seek to ensure that economic developments are undertaken in the most appropriate locations rather than preventing or discouraging such developments. It is also emphasised that the planning system should help the economy and employment to prosper as well as support social and environmental sustainability in the context of sustainable development. Authorities should also adopt a positive and constructive approach while dealing with applications for economic development. Within this national context and after some consideration, it is believed that this latest proposal is acceptable subject to the inclusion of suitable mitigating measures in the form of conditions involving ensuring that the residential and general amenities of local residents are safeguarded.

Response to the public consultation

- 5.17 The objections received as a result to receiving this latest application are a progression to the objections received on previous applications involving the development of this unit on an industrial site for a dust extractor and the biomass unit. It is believed that the objections have received full consideration in the above

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assessment and there is no matter that outweighs the policy considerations or the relevant advice noted.

Conclusions:

6.1 Given the content of the above assessment, it is believed that the proposal is acceptable and complies with the relevant local and national planning policies as noted in the assessment itself.

7. Recommendation:

7.1 To approve - conditions:-

1. Five years
2. In accordance with the plans.
3. Submit details relating to external finishes.
4. Any noise emanating as a result of approving this application cannot be higher than the following noise levels while measuring externally near any sensitive property:-
 - During the hours 08:00 - 18:00 (Monday to Friday) and 08:00 - 12:00 (on Saturday morning) the biomass unit, the extraction unit and the shredder must conform to a noise level of 45dB LAeq 1hour;
 - During the hours 18:00 - 08:00 (Monday to Friday) the biomass unit must conform to a noise level of 23dB LAeq 5minutes: and
 - During the hours 18:00 - 08:00 (Monday to Friday) the biomass unit's noise level LAeq 15minutes for an eighth middle octave band frequency 31.5Hz, 63Hz, and a 125Hz must not increase from measuring it externally near any nearby noise sensitive premises.
5. The shredder or dust extraction unit must not be used between the hours of 18:00 - 08:00 (Monday to Saturday, except from 08:00 - 12:00 on Saturday morning).
6. The biomass unit, the shredder or the dust extraction unit must not be used on any Sunday or Bank Holiday.
7. Prior to using the biomass unit to any purpose, a full noise monitoring assessment must be completed by an independent company which is to be agreed upon in writing with the Local Planning Authority. This will enable the Authority to ensure that any noise emanating as a result to the operation of the biomass unit and any associated equipment is not higher than the levels described in condition 4 above.
8. Only fuel that is acknowledged as appropriate by the manufacturers of the biomass unit and deriving from the Welcome Furniture business can be incinerated in the biomass unit. Fuel must not be carried in from any external location without first receiving written permission from the Local Planning Authority.
9. Lorries waiting in the loading area (in the area highlighted in green in the plan appended to this permission) or unloading must not leave the engine running while on-site.
10. The height of the chimney must not be less than 5m above the ridges of the roofs of the industrial estate (a combined height of 15m) in order to ensure adequate dispersion of pollution emissions from the chimney itself.