

**COUNTY BOROUGH OF BLAENAU GWENT**

**REPORT TO: THE CHAIR AND MEMBERS OF THE  
PLANNING COMMITTEE**

**REPORT SUBJECT: PLANNING REPORT**

**REPORT AUTHOR: TEAM MANAGER, DEVELOPMENT  
MANAGEMENT**

**LEAD OFFICER/  
DEPARTMENT SERVICE MANAGER DEVELOPMENT**

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**ORDER OF APPLICATIONS**

<u>Application No.</u>	<u>Address</u>
C/2015/0100	Land at Former Nantyglo Comprehensive School Site, Pond Road, Nantyglo
C/2015/0049	23 Maes-y-Garreg, Rassau, Ebbw Vale
C/2015/0135	Former Waunlwyd Junior and Infant School Site, Hillside Terrace, Waunlwyd, Ebbw Vale
C/2014/0227	Land to the rear (west) of Unit 26 Rassau Industrial Estate, Rassau, Ebbw Vale
C/2015/0057	Silent Valley Landfill, Land adj Waste Transfer Station, Cwm
C/2015/0108	21 Market Street, Ebbw Vale

Application No. : C/2015/0100  
(Full Application)

Case Officer : Steph Brown

Date Lodged : 16 March, 2015

Applicant : Wales & West Utilities Ltd  
Wales & West House  
Spoooner Close  
Celtic Springs  
Coedkernew

Agent : None

Location : Land at Former Nantyglo  
Comprehensive School Site  
Pond Road  
Nantyglo

Proposal : Retention of temporary compound for  
the storage of vehicles, plant,  
equipment and materials and siting of  
portacabins and fabrication units  
associated with the Heads of the  
Valleys Diversion Project (Wales &  
West Utilities Ltd).

Ward : Nantyglo

### **REPORT SUMMARY**

This report recommends that planning permission be **GRANTED** on a temporary basis for the retention of a compound for the storage of vehicles, plant, equipment, materials and siting of cabins and fabrication units at the former Nantyglo Comprehensive School Site.

Nantyglo & Blaina Town Council have objected to the proposal because of concerns of increased traffic, noise and other pollution, the impact the compound will have on nearby residents and businesses and that there are more appropriate sites available on nearby Industrial Estates.

However, in my view, subject to a time limited permission and other conditions, the development is acceptable. Restricting the permission to 6 months and the hours of operation will limit the impact on the amenity of the area whilst permitting the beneficial use of the land in the interim period.

### **SITE AND DEVELOPMENT DESCRIPTION**

Wales & West Utilities (WWU) are required to divert two high pressure gas mains which are in the vicinity of the working area of the Heads of the Valleys (HoV) scheme. The applicant states there is limited space available directly adjacent to the working area of the diversion to set up a compound and therefore have applied for temporary permission for the use of this site.

The applicant has confirmed that the compound is needed for the length of WWU's project. The project is split into two phases which is due for completion in October 2016. The site currently operates from 07:00 – 19:00 Monday – Saturday.

The development site occupies part of the former Nantyglo Comprehensive Site where the school building used to sit. The applicant has already occupied the site but the remainder of the site is currently vacant with the only remaining buildings being the leisure centre which is closed and the caretaker's house that is still occupied. Access to the temporary compound is off the existing access to the former school off Pond Road.

The compound measures approximately 4650sqm and is enclosed by 2.4m high, green, mesh security fencing with double vehicular access gates. The compound is divided into four areas, separated by heras fencing. The areas are used for:

- The siting of a fuel store and 8 steel containers used for offices and welfare areas;
- The siting of a security cabin, a fabricated welding tent for welding short lengths of pipe to facilitate the safe installation of bends on site and a fabricated painting tent to apply a sand blasted corrosion protection system to the pipes;
- Car park and;
- Storage and waste management area with 3 storage containers. All of the structures are portable.

The steel containers are cream in colour and measure a maximum of 9m x 3m x 3m. The welding and painting units are two separate

fabricated structures measuring approximately 16m x 6m x 5.7m, with pitched roofs and coloured blue and white.

### **RELEVANT PLANNING HISTORY**

PA/2015/0034	Use Nantyglo Comprehensive School as site compound by Wales & West utilities for short term period between April 2015 to late September 2015 for works it needs to carry out associated with the Heads of the Valleys dualing from Brynmawr to Gilwern	Confirmed pp required	March 2015
2011/0224	Application for prior notification of proposed demolition of disused comprehensive school building	Prior Required	App 3.10.11

### **RELEVANT CONSULTATION RESPONSES**

#### **Team Manager - Building Control**

Not required.

#### **Team Manager - European and Planning Policy**

Broadly support the proposal subject to any issues regarding ecology, amenity, highway safety and car parking being addressed.

#### **Service Manager - Infrastructure**

##### Highways

No objections. The proposal complies with Policy DM1 3(a and d), other criteria not applicable.

##### Ecology

It has been agreed that the old sports pitch will be left to grow as a meadow and a local farmer will take a hay crop around late August/September. The applicant needs to be aware of this and must ensure that access to the farmer is allowed and the grassed area is allowed to grow without damage.

#### **Service Manager – Public Protection**

No objections in principle subject to:

##### Hours of Operation

07:00 – 19:00 weekdays as proposed is acceptable, however weekend working hours should be 08:00 -15:00. Again these

times may need to be modified should noise complaints be received during its operational phase.

### Noise

It is difficult to assess what the potential noise impact would be, as sand blasting can be noisy. However, if this activity is inside with noise attenuation the impact may not be significant. To ensure no unacceptable noise impact arise conditions should be attached to any permission restricting noise levels and if a complaint is received that within 21 days of the a written request from the LPA, the developer shall at its expense employ a consultant approved by the LPA to assess the level of noise emissions from the development at the complainants property.

### Odour

In relation to the use of paint it is difficult to assess the potential impact on odour. A condition should be added to any permission prohibiting any process activities that shall give rise to an odour which is determined as a nuisance as assessed by an authorised officer of the council.

### **Head of Estates & Strategic Asset Management**

The Council has granted a licence to WWU, subject to obtaining planning permission for a period of six months from 11<sup>th</sup> March 2015 for:

*'the purposes of a licence area on foot with all vehicles, plant, equipment, materials and to place temporary porta cabins and fabrication units, storage of materials at all times and purposes connected with the Wales and West Utilities Ltd. Heads of the Valleys diversion project'.*

### **Nantyglo & Blaina Community Council**

Object to the proposal for the following reasons:

- Concerned regarding the likely probability of increased heavy industrial traffic along an already busy road (A467) close to residential and commercial areas. This increase would have an adverse effect upon residents and businesses.
- Concern regarding increased noise and other pollution together with the visual impact the compound would have on residents living nearby in Winchestown.
- Concern regarding the use of the site for industrial purposes when the land is supposedly limited to education and leisure purposes.

- There are a number of Industrial Estates near to the proposed works site which would be more appropriate.

### **Coal Authority**

No response received.

### **GGAT**

Information from the Historic Environment Record shows the proposed site was previously a residential area within the wider infrastructure of Nantyglo Ironworks. In regards to this application the site lies on an area that has been disturbed by the construction and demolition of the former school. It is likely that the existing hardstand will be used for the compound, however the fencing plans show that the ground will need to be broken to a depth of 500mm to accommodate the fence posts. This would normally require mitigation, however as the compound is on previously disturbed ground and is of a temporary nature the requirement for mitigation is relaxed and there are no archaeological objections.

### **PUBLICITY**

This application was advertised by the posting of four site notices around the former Nantyglo School site; one outside the caretaker's house, one at the entrance to the former school site and one at both ends of Pond Road, Nantyglo. A neighbour notification letter was also sent to the caretaker's house. At the time of writing this report the consultation period given in this letter has not expired. If any comments are submitted in response to this letter, Members will be informed verbally at Planning Committee.

No objections have been received in relation to the application to date. However one local ward Member did verbally indicate he objects to the proposal on the grounds that a more suitable site should be found.

### **RELEVANT PLANNING POLICY**

Blaenau Gwent Local Development Plan (LDP)

DM1 – New Development

DM2 – Design and Placemaking

### **PLANNING CONSIDERATION**

There are two elements to this application that need to be considered, the principle of the use of the site and the fencing,

fabrication units and cabins that occupy the site. These elements are considered separately below.

### **Principle of the Use**

The site lies within the defined settlement boundary (Policy SB1) within which development is normally acceptable provided it complies with the criteria outlined in other LDP policies.

The compound has been set up on part of the former school site which was occupied by the school buildings. In considering the compatibility of the use of this site it is noted that the surrounding area has mixed land use. There are residential properties located to the west of the former school site (approximately 180m away from the compound), the pond and Lakeside Retail Park to the north and Pond Road Workshops to the north east. The site is not allocated for any specific use in the LDP and the Team Manager - European and Planning Policy has not raised any objection to the use of this site subject to issues regarding amenity, highway safety, parking and ecology being addressed.

### **Amenity**

In considering amenity, it is acknowledged that this type of use could have a potential impact on the occupiers of nearby residential properties and businesses arising from additional traffic, noise and odour. These concerns have also been raised by the Nantyglo & Blaina Town Council.

However, with the exception of the caretaker's house given the distance between the compound and nearby residential properties and businesses, any impact on amenity of occupiers of these properties is considered to be minimal. With regards to the impact on the occupiers of the Caretaker's house, it is noted that the Service Manager – Public Protection has no objection to the temporary use of the site subject to conditioning reasonable hours of operation (these may need to be adjusted dependant on actual noise levels arising) and limiting noise levels arising from the development to minimise any noise nuisance. My recommendation contains conditions in this respect which will ensure that there will be no unacceptable impact on the amenity of the occupiers of the Caretaker's house or occupiers of other properties in the vicinity.

The Service Manager Public Protection also suggests the imposition of a condition requiring the developer, at their expense to undertake any noise surveys if the Authority receives any complaints of noise disturbance. However, in my opinion this is an unreasonable request as vexatious complaints could be made putting the developer to unnecessary expense. Noise complaints can be investigated and dealt with under Environmental Health Legislation.

With regards to nuisance arising from odour from the painting process the Service Manager – Public Protection has advised that a condition should be added prohibiting any activities that give rise to an odour which is determined to be a nuisance as assessed by an officer of the Council. Again, this is something that can be controlled under Environmental Health Legislation.

However, my recommendation does contain a condition limiting the planning permission to a 6 month period. Whilst I acknowledge that this duration is not what the applicant has requested and that no objections from nearby residents have been received, due to the fact that it is difficult to determine any impact arising from noise and/or odour nuisance, 6 months is considered to be a reasonable period at this stage to assess any impact arising from this development and its suitability in this location.

#### Highway Safety and Parking

No highway objections have been received and the Service Manager Infrastructure has confirmed that the access and parking layout complies with planning policy.

#### Ecology

With regards to ecology the proposal must not result in a net loss of biodiversity. The development site has been set out on the former school site and has no ecological value. The Service Manager Infrastructure has not raised any issues in respect of ecology other than requesting that the applicant does not restrict access to the field behind the development site. Whilst this is not something the LPA can control by planning condition an informative note has been included in my recommendation.

## Summary

I consider that subject to a condition restricting the hours of operation, the temporary use of the site complies with relevant criteria contained within policies DM1 and DM2.

It is noted that the Nantyglo & Blaina Town Council have commented that there are sites on nearby Industrial Estates that would be more suitable for this type of use, however this is not a matter for consideration by the LPA. The application as submitted must be considered on its own merits. Members will appreciate that alternative site selection is not a matter for them to consider.

## **Fencing, Steel Cabins and Fabricated Units**

In my opinion the fencing, cabins and fabricated units are reasonably sized for their required purpose. They are a typical example of the type of fencing and structures you would associate with working compounds. The cabins and fabricated units are not clearly visible other than within the former school site and are at a lower level and screened from the residential properties on Waun Ebbw Road by a band of mature trees. I consider that the structures and fencing are visually acceptable and comply with DM1 and DM2.

## **Other Matters**

It would remain open to the applicant to appeal the time limiting condition or alternatively apply to extend this period nearer the expiration of the permission. The Council can consider the merit of such an application at that time.

Whilst my recommendation is that temporary planning permission be granted for 6 months, this does not convey permission from the landowner, in this case the Council for the occupation of the site.

## **RECOMMENDATION**

That temporary planning permission be **GRANTED** subject to:

- 1 The use of the land for the provision of a compound for the storage of vehicles, plant, equipment and materials and siting of portacabins and fabrication units shall cease and be removed on or before 4<sup>th</sup> December 2015.  
Reason: To clearly define the duration of this permission.
- 2 The rating noise level of the noise emitted from the proposed

development, determined by the procedure in BS 4142 2014, should be at +0 dB above the background LA90, 1hr noise level, measured or calculated at 3.5 m from ground floor facades and 1m from upper floor facades at the nearest affected premises.

Reason: in the interests of amenity.

- 3 The use hereby permitted shall not operate outside the following times: 07:00 – 19:00 Monday to Fridays inclusive and 08:00 to 15:00 on Saturday and Sunday.

Reason: in the interests of amenity.

### **Informative Advice**

1. The applicant is advised that this temporary planning permission does not convey permission from the landowner, in this case the Council for occupation of the site.
2. This is a temporary planning permission that will expire on 4<sup>th</sup> December 2015. The site will need to be vacated prior to that date under the terms of condition 1. If an application is submitted to extend the planning permission, it will be determined in light of circumstances at that time.
3. There is an agreement in place with Blaenau Gwent Council that the old school sports pitch will be left to grow as a meadow and a local farmer will take a hay crop around late August/September. The applicant must ensure that access to the farmer is not impeded.

The following policies in the Local Development Plan were material to this decision: DM1 and DM2

Cyngor Bwrdeisdref Sirol

**.Blaenau**

County Borough Council

Community Services Department, Central Depot, Barleyfield Industrial

Estate, Nantyglo, Brynmawr. NP23 4YF

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R.P. Morrison, B.Sc.(Hons), C.Eng., M.I.C.E., D.M.S. - Director of Community Services/Cyfarwyddwr Gwasanaethau'r Gymuned



Date : 21/05/2015

Map Reference : S01811SE

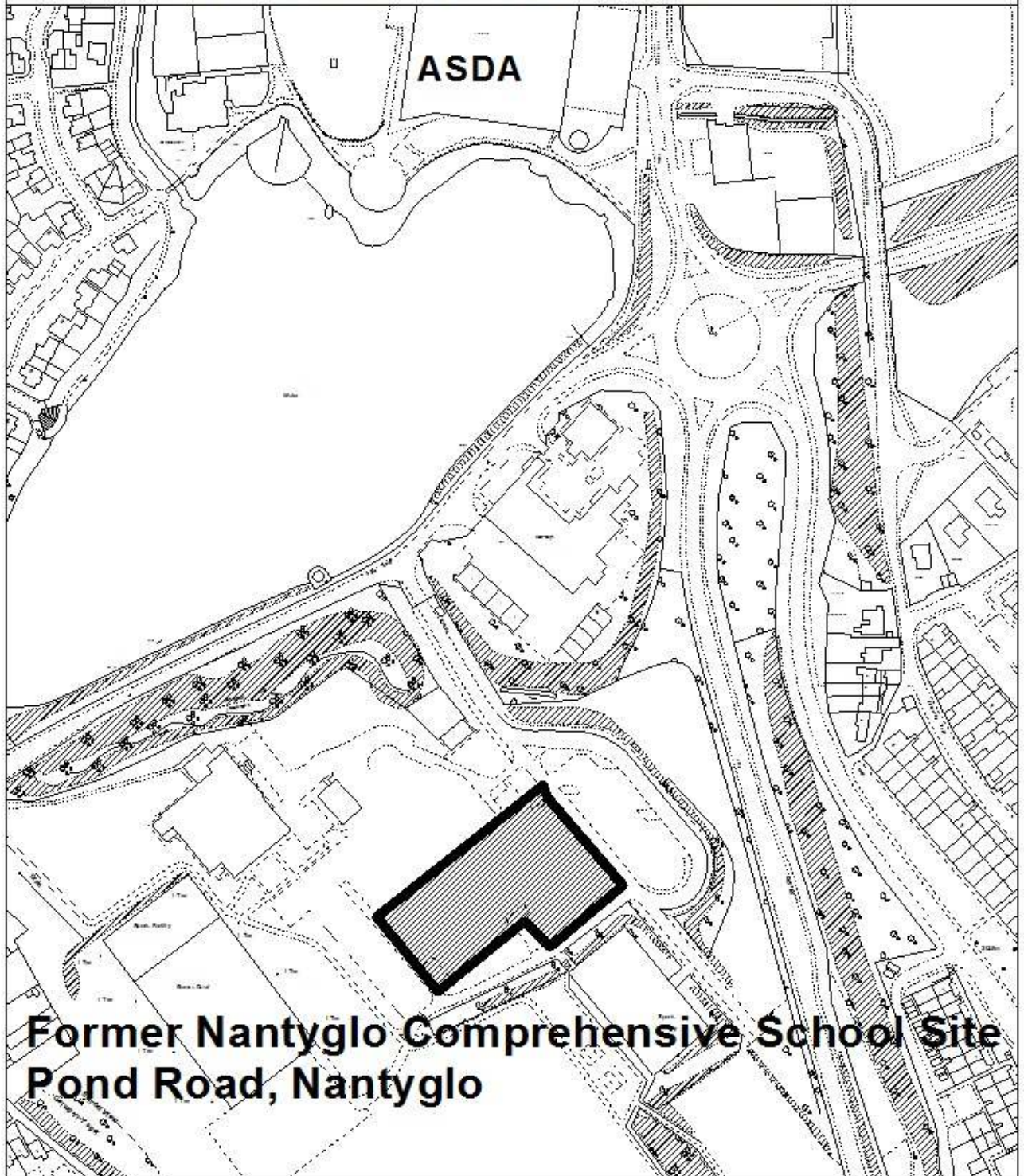
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PROJECT:

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Application No. : C/2015/0049  
(Full Application)

Case Officer : Jane Engel

Date Lodged : 12 February, 2015

Applicant : Mr & Mrs Taylor  
23 Maes-y-Garreg  
Rassau  
Ebbw Vale

Agent : Mr Adrian Drew  
14 Thornhill Close  
Brynmawr

Location : 23 Maes-y-Garreg  
Rassau  
Ebbw Vale

Proposal : Two storey rear extension

Ward : Ebbw Vale Rassau

### **REPORT SUMMARY**

This application seeks planning permission for a two storey extension to the rear of 23 Maes-y-Garreg, Rassau, Ebbw Vale. It is acknowledged that the proposal is only 1.9m deep however the rear building line of the application property is 4m south of the rear building line of the neighbouring property. I consider the cumulative effect of the proposal to such that it has an unduly overbearing effect on the amenity of the occupiers of the neighbouring property and as such I recommend that the application is **REFUSED**.

### **SITE AND DEVELOPMENT DESCRIPTION**

This application seeks planning permission for a two storey rear extension at 23 Maes-y-Garreg Rassau Ebbw Vale. Amended plans have been submitted in an attempt to overcome concerns raised relating to the effect of the proposal upon the residential amenity of the occupants of the neighbouring property. It is these amended plans that are the subject of this report.

The property is a detached two storey house situated within the estate of Maes- y -Garreg. It fronts the spine road which serves the estate and is situated within a row of three detached houses the building line of which is staggered. It is bound to the rear by no's 31 and 28 Maes- y- Garreg which are erected at a lower level than the application property.

The extension measures 1.9m in depth and runs along the rear of the property, inset from the eastern elevation of the property by 0.7m. The materials and finishes are indicated to match the main house. The proposal would facilitate an extension to the ground floor lounge and dining room and an extension to 2 no first floor bedrooms and first floor bathroom.

### **RELEVANT PLANNING HISTORY**

6696	Private residential site (outline)	Approved	12.11.87
8273	Detached bungalow and garage	Withdrawn	23.01.91
8794	2 no. houses (outline)	Approved	24.09.90
8907	Site access details (RM)	Approved	17.06.91
97/0275	Private residential site (out)	Approved	09.10.97
98/0003	Erection of 35, 3 & 4 bedroom houses and associated highway works	Approved	15.06.98
2006/0468	2 storey extension and single storey extension	Approved	30.10.06

### **RELEVANT CONSULTATION RESPONSES**

#### **Team Manager - Building Control**

Building Regulations Required

#### **Service Manager - Infrastructure**

##### **Highways**

No objections

##### **Welsh Water**

The proposed development site is crossed by a public sewer. No part of the building will be permitted within 3 metres either side of the centre line of the public sewer.

## **PUBLICITY**

Letters of notification were sent to adjoining properties. Two letters of objection have been received. One from a property to the rear raising the following concerns:

- That the elevated position of the proposal above the objector's property would give direct visibility into all rooms at the rear of their property and impact greatly on their right to privacy.

and one from an immediate neighbour raising the following concerns:

- The disruption, mess and noise that the construction of the extension will cause.
- Already experience a lack of sun light to the rear of their property due to the difference in the rear boundary line. The extension will hugely impact upon the sunlight hours and the time that their family will be able to sit in the garden in the summer months.
- The property has already has a front extension and it is felt that the additional extension proposal will 'box' them in.

The second objector also made reference to the proposed extension measuring 4m long. I contacted the objector by telephone to advise of the correct length and to clarify whether they still wished to object to the application. They confirmed that they still wished to object to the proposal.

All neighbours were re-consulted following receipt of the amended plans. No further correspondence has been received although one of the initial objectors did confirm by telephone that the amendments did not overcome their initial concerns.

Ward members were advised by officers of the intention to refuse the application under delegated powers. Councillor Williams requested that the application be reported to Planning Committee.

## **RELEVANT PLANNING POLICY**

Blaenau Gwent Local Development Plan(LDP)

DM1 2c                      New Development

Supplementary Planning Guidance Residential Extensions

## **PLANNING CONSIDERATION**

The site lies within the settlement boundary and the relevant requirements of the above mentioned policy and the guidance provided in the Authority's adopted SPG on residential extensions is considered applicable. The proposed extension only measures 1.9m deep and in principle accords with the requirements of the adopted SPG which indicates that two storey extensions to residential properties should normally be restricted to 4.5m in depth to safeguard residential amenity interests. However this SPG is for guidance only and the individual circumstances of each case needs to be carefully considered. In determining this application consideration has to be given to the impact of the proposed work on the amenity of neighbouring occupiers as the rear building line of the application property currently lies 4m to the south of the building line of the adjacent property.

### **Impact upon the amenities of neighbouring occupiers**

The adopted SPG identifies that a primary consideration in assessing applications for extensions is the effect it will have on the occupiers of neighbouring properties. It clearly states that "extensions which dominate surrounding residential extensions will not be permitted".

I viewed the application site from neighbouring properties and have taken into consideration the concerns raised by objectors. When assessing the proposal I was mindful that whilst there is no 'right to light' in planning terms the effect that a proposal can have on the neighbours enjoyment of their dwelling house is a valid planning consideration.

I note that the side wall of the proposed extension (as revised) has been offset 0.7m off the east facing elevation. However, the cumulative length of the existing gable wall and proposed extension will result in a two storey wall positioned on the property boundary which will extend 5.9m at two storey height beyond the rear building line of the neighbour's property. I am of the opinion that such a structure would result in the overshadowing of the neighbouring property and because of its siting, scale and design would appear oppressive and unduly overbearing when viewed from the rear of the property.

The applicants were advised of these concerns and discussions took place in with the agent in an attempt to seek amendments which would overcome such concerns. It was suggested to the

agent that if that element of the extension adjacent to 24 Maes-y-Garreg was reduced to single storey the application was likely to be supported by officers. However the changes made to the amended plans are minimal (i.e reduced and set back 0.7m from the boundary). Revising the position of the side wall of the proposed extension does not overcome the concerns that were expressed in relation to the initial scheme. The applicants were advised verbally that they are not prepared to further reduce the proposal and have requested that the application be determined on the basis of the revised plans submitted on 17<sup>th</sup> March.

I note the objector's concerns with regards to boxing in due to a previous extension on the property. However I do not believe the extension referred to has such an adverse impact.

I have considered the neighbour's other objection in relation to possible disruption caused during construction. However whilst sympathetic to the circumstances this would only be short term and is not a valid consideration.

With regards to the concerns raised by the other objector over potential the loss of privacy I consider the position of that objector's property is such that it is already overlooked by other properties. I also consider that the relative position of the proposed extension to that objector's property is such that there would be no direct overlooking of windows. I am satisfied that these concerns could not justify refusal of the application.

The applicant has queried why other larger two storey extensions have been granted planning permission on properties within the estate. I have checked the planning history for the site and confirm that two planning applications for two storey extensions have been granted on properties elsewhere within the estate. Both extensions measured 3.3m deep however it is noted that in the first case the building line of the neighbouring property was similar to the application property and in the second case where there was a staggered building line the two storey extension has been built well away from the affected boundary.

Therefore having had regard to all relevant matters I consider the proposal will have an unacceptable effect upon the amenity of the occupiers of the neighbouring property and as such is recommended for refusal.

## **RECOMMENDATION**

That planning permission be **REFUSED** for the following reason:

The proposal by virtue of its mass in proximity to the boundary with the neighbouring property will appear oppressive and have an unduly overbearing dominating effect on the living conditions of the occupiers of the adjoining property. To approved such a development would run contrary to policy DM1 2c and Blaenau Gwent Supplementary Planning Guidance Note 3.

## **Informative Advice**

1 None

The following policies in the Local Development Plan were material to this decision: DM1

Cyngor Bwrdeisdref Sirol

**Blaenau**

County Borough Council

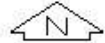
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Date : 21/05/2015

Map Reference : SO1511

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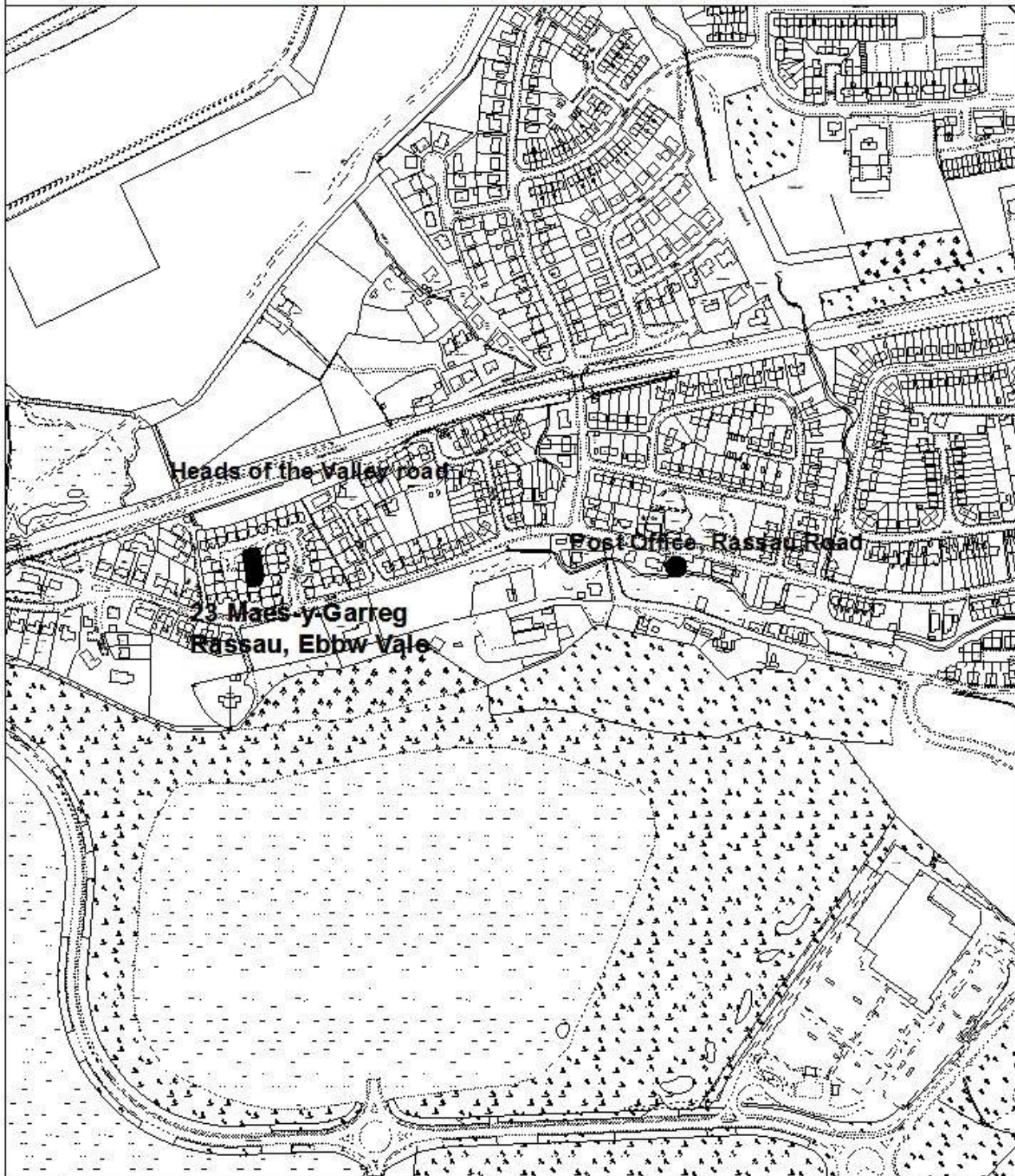
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*Y mae atgynhychu heb awdurdod yn torri Hawlfraint y Goron a gall arwain at erlyniad neu achosion sifil. BGBCB - LA09002L*



Application No. : C/2015/0135  
(Full Application)

Case Officer : Jane Engel

Date Lodged : 17 April, 2015

Applicant : Mr Darryn Parry  
R & M Williams  
Williams House  
Penarth Road  
Cardiff

Agent : Letrucco Design  
Mr Karl Lewis  
Suite 7  
35 Stowpark Circle  
Newport

Location : Former Waunlwyd Junior and Infant  
School Site Hillside Terrace  
Waunlwyd  
Ebbw Vale

Proposal : Residential development of 15 units  
consisting of 10 no. houses (semi-  
detached), 4 no. flats & 1 no. adapted  
bungalow with associated parking &  
external works

Ward : Ebbw Vale Cwm

### **REPORT SUMMARY**

The application seeks planning permission for residential development on the Former, Waunlwyd Junior and Infant School Site, Hillside Terrace, Ebbw Vale. The site lies within the settlement boundary within which development is acceptable subject to compliance with the relevant policies in the Adopted Local Plan. Consultation responses have not raised any significant issues other than the requirement for a 10% affordable housing requirement. I recommend the application is **GRANTED** subject to a S106 requiring the provision of affordable housing on the site.

## **SITE AND DEVELOPMENT DESCRIPTION**

This application seeks full planning permission for residential development of 15 units consisting of 10 no. semi detached houses, 4 no. flats and 1 no. adapted bungalow with associated parking and external works on the former Waunlwyd Junior and Infant School Site, Hillside Terrace, Waunlwyd, Ebbw Vale.

Improvements will be made to the existing vehicular access to the site and an access road will run along the frontage of the site terminating in a turning head. The properties are arranged to the east and north of this access road.

Plots 1-6 and 9-10 provide a kitchen/diner, living room and wc on the ground floor with two bedrooms on the first floor with a family bathroom. Plots 7 and 8 provide a kitchen/diner, living room and wc on the first floor with 3 bedrooms and a bathroom on the first floor with. The 4 flats located on plots 11-14 have 1 bedroom, kitchen, living room and bathroom. Plot 15 houses a specially adapted bungalow providing 3 bedrooms, kitchen/dining room and living room.

Off street car parking is provided within the curtilage to the front and sides of each of properties. A landscaping scheme has been submitted

## **RELEVANT PLANNING HISTORY**

PA/2015/0010	Residential				
C/2013/0210	Application for notification of demolition	for prior of proposed	Granted	29.10.13	
C/2006/0155	Early years classroom	modular	Approved	11.05.06	
C/1998/0378	Refurbishment and extension	2 storey	Approved	21.12.98	

## **RELEVANT CONSULTATION RESPONSES**

### **Team Manager - Building Control**

Building Regulations required

### **Service Manager - Infrastructure**

#### **Highways**

There are no objections in principle subject to conditions

### Drainage

Requests that a condition be imposed to ensure that a scheme to dispose of surface water is submitted to and approved in writing by the Authority's drainage section

Advises that any proposed scheme should ensure that runoff from the proposed development is reduced so that it will not exceed green field run off rates. It is not acceptable to simply discharge all surface water run-off into the main sewer.

Details of adoption and management should also be submitted to ensure that the scheme/systems remain effective for the lifetime of the development.

### Ground Stability

No objections to the proposed development in principle.

### Landscape

The appropriate introduction of soft landscaping elements in what is quite a restrictive site is effective and serves to enhance the overall development.

### Arboriculture

Two self-seeded trees are present on site along the boundary; there are no requirements to retain these trees

### Ecology

The old school site has now been demolished and protected species issues were dealt with at the time – a bat license and associated mitigation was installed onto nature reserves close by. There are no residual ecological issues associated with this site.

### **Service Manager - Regeneration**

#### **Affordable Housing**

Requests 10% affordable housing in line with the adopted Supplementary Planning Guidance

### **Service Manager – Public Protection**

No objections following confirmation of details regarding asbestos and the heating system of the former school.

### **Head of Estates & Strategic Asset Management**

No observations other than the Council sold this site to the applicants and the sale was subject to a restrictive covenant and overage provision. The applicant will need to make an application to the Council for the restrictive covenant to be varied and if varied to agree the overage sum.

**Leisure:** No response

**Education:** No response

**Welsh Water:** No response received

### **Western Power Distribution**

Identifies their apparatus in the vicinity of the site

### **Wales and West Utilities**

Identifies their apparatus in the vicinity of the site

### **PUBLICITY**

Letters of notification were sent to properties in the vicinity, two site notices were posted and a press notice was published in the local press. No responses have been received as a result.

### **RELEVANT PLANNING POLICY**

Blaenau Gwent Local Development Plan (LDP)

DM1 New development

DM2 Design and Placemaking

DM7 Affordable Housing

SPG No 7 Planning Obligations

### **PLANNING CONSIDERATION**

The site lies within the settlement boundary within which development is considered acceptable subject to the proposal meeting the relevant criteria within the LDP.

### **Neighbouring Amenity**

The site lies within a residential area and although elevated above road level its position is such that the development of this site for residential purposes would not result in any overlooking of residential properties nearby. I therefore consider that the development is acceptable in this regard.

### Layout

The dwellings are arranged in a linear formation accessed off the proposed new road. Each unit has off street parking with front and rear amenity gardens. Whilst there is a predominance of parking on the frontage of the plots the proposed landscaping scheme serves to break up the street scene.

### Highway Matters

Each unit has allocated parking accessed off the proposed access road. The Highway Authority has raised no objections to the scheme subject to conditions and advisories covering technical matters. I note that they have requested that the school markings on the existing carriageway be removed prior to the occupation of the site. However, the school was demolished some time ago and I consider it unreasonable to request the developer to undertake these works.

### Drainage

Whilst drainage details have been submitted with the proposal the County's Drainage Engineer has requested further details in respect of technical matters. I propose a condition requiring these details be submitted for approval before works commence.

### Affordable Homes

The agent has confirmed that the site is being developed under contract for Melin Homes and that it will provide 100% affordable accommodation. However, my recommendation will be subject to a section 106 agreement requiring that the development provides 10% affordable housing. This is to ensure that if the site were to be sold on then the affordable housing requirement would still be met.

## **RECOMMENDATION**

That planning permission be **GRANTED** subject to a section 106 to secure 10% affordable housing and the following conditions:

- 1 The development shall be completed in full accordance with the following approved plans and documents  
Site Layout Dwrg No. LT1426.04.01 Revision E  
Landscaping Layout Dwrg No. LT1426.04.02 Revision D  
Levels and Site Sections Dwrg No. LT1426.04.03 Revision D  
Boundary Treatments Dwrg No. LT1426.04.04  
4 Person 2 Bedroom Dwrg No. LT1426.04.101 Revision E  
4 Person 2 Bedroom Dwrg No. LT1426.04.102 Revision D  
5 Person 3 Bedroom Dwrg No. LT1426.04.103 Revision A

2 Person 1 Bedroom      Dwrg No. LT1426.04.105 Revision D  
5 Person 3 Bedroom      Dwrg No. LT1426.04.106 Revision D  
unless otherwise specified or required by conditions 2-8 listed below.

Reason: To clearly define the scope of this permission

- 2 No development shall commence until details/samples are submitted to the Local Planning Authority of all external finishes to the dwelling(s) hereby approved. All dwellings shall be erected and completed in accordance with details approved in writing by the Local Planning Authority before they are occupied.

Reason : To safeguard visual amenity interests

- 3 No dwellings hereby approved shall be occupied until the access, driveway and parking areas relating to that dwelling are constructed, surfaced and drained as indicated on the approved plans. The areas provided shall be retained for their designated purposes at all times.

Reason: To ensure the parking needs of the development are adequately met and to safeguard highway interests

- 4 The boundary enclosures indicated on the approved plans shall be provided before the dwelling(s) to which it relates is occupied and shall be retained as such at all times.

Reason: To protect the privacy and amenities of the occupants of the application property, the occupiers of nearby properties and the visual amenities of the area.

- 5 Notwithstanding any details indicated on the approved plans no development shall commence on site until details are submitted to and approved in writing by the Local Planning Authority of a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with. None of the dwelling(s) hereby approved shall be occupied until all drainage works relating to that property and its connection to the wider drainage network are completed in accordance with the approved details.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.

- 6 None of the dwellings hereby approved shall be occupied until the roads and footways fronting and/or serving that part of the site

have been laid out and constructed to a minimum of binder course level,

Reason: To ensure suitable vehicular and pedestrian access to the site and to safeguard highways safety.

- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following occupation of the building, the completion of the development (whichever is the sooner), or any alternative timescale that may be approved in writing by the Local Planning Authority before works commence on site. Any trees, shrubs or plants which within a period of 5 years from implementation of the planting scheme die, are removed or become seriously damaged or diseased, shall be replaced by one of the same species and size in the next available planting season.

Reason: To ensure timely implementation of an appropriate landscaping scheme.

- 8 No development shall take place until an assessment of the stability of the land (and the surrounding area) has been carried out in accordance with a methodology which must first be submitted to and approved in writing by the Local Planning Authority. Such assessment should include the risk of coal mining features within or in close proximity to the site. The results of such an assessment (and any intrusive site investigation works identified as being necessary) shall be submitted to the Local Planning Authority before works commence on site. If any land instability issues are found during the site investigation, a further report specifying the measures to be taken to remediate the site to render it suitable for the development hereby approved shall also be submitted to and approved in writing by the Local Planning Authority before works commence on site. The development shall not be brought into use until all the measures identified as necessary in any reports that are approved by the Local Planning Authority are implemented and the Local Planning Authority is provided with a validation report, signed by a suitably qualified person that confirms that such measures and/or works have been fully implemented.

Reason: The Local Planning Authority is aware that the site may be affected by land instability and considers that this should be addressed prior to development.

- 10 Standard Time Limit

### **Informative Advice**

- 1 The applicant/developer is advised that the proposed access road serving the development must be the subject of a Section 38 agreement under the Highways Act and to contact the Highway Authority in this regard.
- 2 The applicant/developer is advised to contact the Estates Section with regards to covenants affecting the site.

The following policies in the Local Development Plan were material to this decision: DM1 DM2 DM7



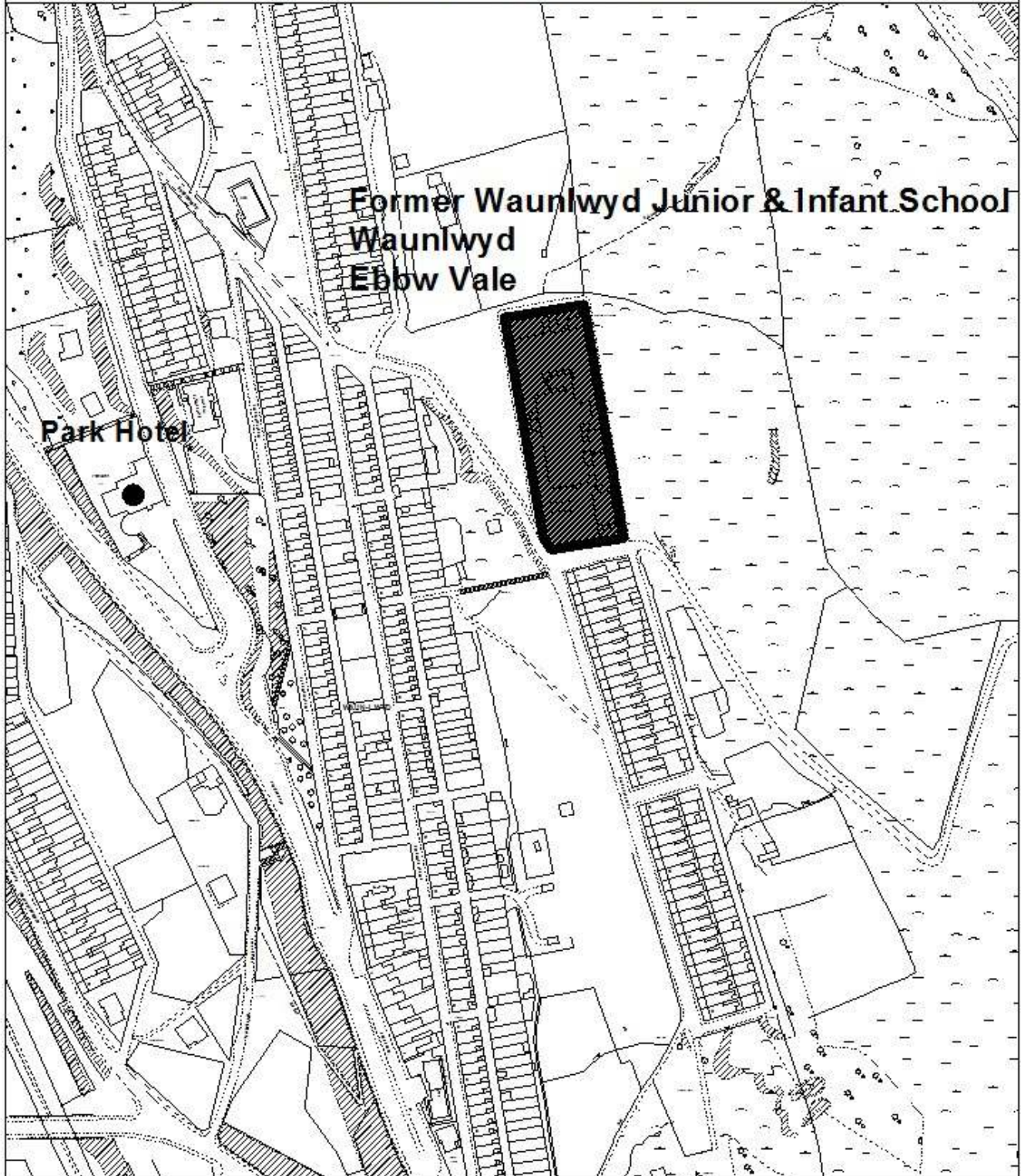
PROJECT:

TITLE:

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Atgynhychwyd o Fapiau'r Ordnance Survey chaniatad Rheolwr Llyfrfa Ei Mawrhydi (c) Hawlfraint y Goron.

Y mae atgynhychu heb awdurdod yn torri Hawlfraint y Goron a gall arwain at erlyniad neu achosion sifil. BGBCB - LA09002L



Application No. : C/2014/0227  
(Full Application)

Case Officer : Eirlys Hallett

Date Lodged : 19 August, 2014

Applicant : First Gen Uk Ltd

Agent : Asbri Planning Ltd  
Unit 9  
Oak Tree Court  
Cardiff Gate Business Park  
Cardiff

Location : Land to the rear (west) of Unit 26  
Rassau Industrial Estate  
Rassau  
Ebbw Vale

Proposal : Construction of a standing reserve  
power plant comprising of 48 diesel  
generators with office and storage  
buildings, fencing, acoustic barrier  
enclosure and ancillary structures.

Ward : Ebbw Vale Rassau

### **REPORT SUMMARY**

This application seeks permission for the construction of a standing reserve power plant to be located on vacant land to the west of Unit 26 Rassau Industrial Estate. The plant comprises of 48 acoustically protected diesel generators with ancillary equipment and associated infrastructure. Its purpose is to provide electricity at short notice to the National Grid during periods of high demand. This report considers the principle of allowing such a development on an industrial estate and its potential impacts, particularly noise, air quality and visual. The report concludes that planning permission should be **GRANTED** subject to conditions.

## **BACKGROUND**

Members may recall that in February this year this Committee approved a planning application for a diesel powered Standing Reserve Power Plant on land within the former Tech Board Site on the Rassau Industrial Estate. The application related to a proposal to provide 48 diesel generators and ancillary structures on the land. The application was approved subject to 17 planning conditions. That application and the current planning application were two of a number of other applications for standing reserve power plants received by the Authority last autumn from various applicants, and have been reported previously to Members. The current report relates to another diesel powered reserve power plant that the same applicants wish to erect on land to the rear (west) of Unit 26 on the Rassau Industrial Estate. The current application therefore falls to be considered in light of the same planning policies and other planning considerations as those used to assess the previously approved scheme.

## **SITE AND DEVELOPMENT DESCRIPTION**

The application seeks permission to construct a standing reserve power plant on an area of disused land situated to the rear (west) of Unit 26 Rassau Industrial Estate. It is located on the western periphery of the industrial estate, is bound by various industrial units to the north and east and by woodland to the west and south. Further to the south there is a bridleway, some open fields and the realigned A465. Along the immediate northern boundary there is a grassed embankment and stock proof fencing. A significant amount of hardcore has been deposited towards the sites southern boundary.

The application site is to be accessed off the estate road network via the unit's current access and a new access track to be constructed to the south of the existing vacant unit.

The proposed development comprises of a number of elements, namely:-

- a new length of access road leading from the frontage of the existing unit to the land at the rear;
- the siting of 48 diesel generators arranged in groups of four within a defined compound area. Each group would be connected to a 0.4/33kv step-up transformer. Both generators and transformers will sit on concrete plinth foundations. The generators would be housed in acoustically protected containers approximately 5m

long by 2m wide and 2m high. The generators are fuelled with ultra-low sulphur diesel. The generating equipment would also be surrounded with solid acoustic fencing for noise mitigation purposes;

- a welfare/office building (12 x 2.5 x 2.6m) with water and effluent disposal tanks;
- a storage container (approximately 12 x 2.5 x 2.6m);
- a relay/metering room container (11x 5 x 3m);
- 3 No. 22,500litre double skinned steel fuel storage tanks with integral bund (measuring approximately 5.5 x 2.3 x 2.5m) that would be refilled by bulk fuel road tanker;
- 2.4m high palisade fencing and gates enclosing entire site; and
- a 3m high solid acoustic fencing to enclose generating equipment.

In the Design and Access Statement (DAS) and other correspondence that accompanied the planning application it is explained that a standing reserve power plant is a power generating facility that operates when the National Grid needs to call on reserve capacity to ensure there is sufficient power to meet continually changing energy demands. Such facilities fulfil an increasingly important means for the National Grid to maintain system stability in light of the country's increased reliance upon the generation of energy from less predictable renewable resources. Standing reserve capacity is seen as a means of allowing the optimisation of renewable power generation resources.

The applicants are seeking to provide a facility that would meet the National Grid requirement for "Fast Reserve" classification. In practice this would mean the plant could respond to an electronic instruction from the National Grid and provide power to the grid within 2 minutes of receiving such instructions. The supporting information indicates that the generators would become operational during periods of peak demand and would typically be operational for approximately 350 hours in any one year (6-7 hours per week). It is claimed that the plant is less likely to be brought into operation during the night time period.

Initial projections estimate that 4 full time staff will be employed to operate the system during its initial operation. This is anticipated as being a plant manager, skilled floor operators and security staff.

The initial application was also supported by

- Noise Impact Assessment Report dated 31.07.14
- Air Quality Assessment Report dated 04.08.14

### **RELEVANT PLANNING HISTORY**

C/2014/0003 Extend Car/Lorry Parking Approved 18.02.14

### **RELEVANT CONSULTATION RESPONSES**

**Team Manager - Building Control:** Building Regulations required

**Team Manager - European and Planning Policy:**

Broadly supports the proposed development providing that the following issues are taken into consideration:

- Visual impact (Policy DM1 2b)
- Noise and light pollution (Policy DM1 2h)
- Air Quality (Policy DM1 2g)
- Cumulative impacts of other developments (Policy DM1 2g)
- Highway safety (Policy DM1 3a-b)
- Use of palisade fencing (Policy DM2 a)
- Retention of mature planting ( DM2 g)

### **Service Manager - Infrastructure**

Highways: No objections

Drainage: No response

Landscape: No objections in principle but expressed concerns regarding visual impact of proposal especially as viewed from the re-aligned Heads of the Valleys Road and approaches to Circuit of Wales. Recommended the retention and management of screen planting to the southern and western boundary but noted that implementation of a previous planning permission for extension of parking will result in loss of some mature planting. Suggested that existing trees along this boundary should be effectively managed to ensure their retention as a visual screen. Further recommended that the proposed palisade fencing be replaced with a more visually sensitive fencing such as a colour powder coated, modular steel fencing. Emphasized potential for palisade fencing to be open to view from the HoV and that such impact would be adverse and significant.

Ecology: Advised initially that if the bordering landscape planting was to be removed that further tree surveys may be necessary. Subsequently requested that the applicants provided a scoping assessment as required by the Habitat Regulations. Following receipt of further information the ecologist confirmed that an assessment under the Habitat Regulations was not required.

### **Service Manager – Public Protection**

Provided detailed advice on ground contamination, light pollution, noise and air quality issues.

Suggested the use of a detailed condition requiring a risk assessment to identify any potential contaminants before development commences.

Noted that whilst no information had been provided in relation to lighting that this was an issue that could also be dealt with by condition.

Raised a number of queries in relation to the submitted Noise Impact Assessment and requested further information in relation to noise generated during the construction phase.

Raised a number of queries in relation to the submitted Air Quality Assessment and highlighted the need to consider the impact of other recent and consented developments in the area (e.g. Circuit of Wales and Unit 21 Rassau), as such developments had the potential for significant emissions to atmosphere. Also suggested need to look at impact of the proposal on air quality at a wider area than those sensitive receptor locations selected initially.

The applicants have corresponded at length with the officer on air quality and noise issues and have submitted several updates to address the queries and concerns raised. The officer has confirmed that on the basis of information contained in an updated Air Quality Assessment (v6, dated 06.02.2015) and Noise Note dated 07.01.15 that he does not object to the development on either air quality or noise grounds. He has however suggested the imposition of a number of planning conditions that would provide safeguards in relation to noise and air quality issues. The main tenets of his response are covered in the Planning Considerations section of this report

### **Head of Estates & Strategic Asset Management**

No observations

### **Welsh Government Transport Division**

No objection. Satisfied that the construction and operational traffic levels would not be significant nor would they impact adversely on the existing trunk road or on current improvements to the A465.

**Welsh Water:** No comments to make

### **Natural Resources Wales**

Noted they had no objection to the development but provided advice and requested further information from the applicant on various issues, namely air quality, fuel tank storage, drainage infrastructure, potential land contamination from historic uses and pollution prevention. Confirmed following receipt of further information that they were satisfied that:-

- the development would not have a likely significant effect on air quality (either alone or in combination) on the Usk Valley Bats sites SAC;
- that the development would not be a 1.1 combustion activity under the Environmental Permitting Regulations and would therefore be permitted by the Local Authority;
- that the fuel tank specifications were acceptable; and
- that foul drainage discharged could be controlled by a planning condition.

**Gwent Wildlife Trust:** No comments

### **Western Power Distribution**

Provided details of apparatus in the vicinity of the site

### **Wales and West Utilities**

No response

### **PUBLICITY**

The application was publicised via a press notice and two site notices, one posted outside the site and one on the lane serving Coates Row/Wells Farm. Notification letters were also sent to Units 23 and Unit 26 on the Rassau Industrial Estate.

One objection was received from a local resident citing the following concerns:

- The development even with the acoustic barriers could cause noise pollution that will affect Beaufort Wells.

- Cumulative impact in relation to noise by the proposed development in conjunction with the new alignment of the A465 trunk road and possible noise from the Circuit of Wales racetrack development.

## **RELEVANT PLANNING POLICY**

### **National Planning Policy**

PPW	Planning Policy Wales, Edition 7 July 2014
TAN 5	Nature Conservation & Planning
TAN 11	Noise
TAN 23	Economic Development

### **Blaenau Gwent Local Development Plan**

SP8	Sustainable Economic Growth
SP10	Protection & Enhancement of the Natural Environment
DM1	New Development
DM2	Design and Placemaking
DM10	Use Class Restrictions - Employment
DM14	Biodiversity Protection and Enhancement
EMP 2	Employment Protection Area

## **PLANNING CONSIDERATION**

This application relates to a proposal to construct a diesel powered Standing Reserve Power Plant on a vacant area of land located on an established industrial estate in the Borough. The proposal falls to be considered relative to national planning policies and technical advice as contained in PPW and TAN's, the Development Management and Allocation and Designation Policies in the LDP and other material planning considerations.

On the basis of an assessment I have concluded that the **main** issues to be considered are:-

- the possible need for an Environmental Impact Assessment;
- whether the proposed use is acceptable on this site;
- its potential impact in terms of landscape, noise and air quality,

## **Environmental Impact Assessment**

The Local Planning Authority is required to screen certain types of planning applications against the requirements of The Environmental Impact Assessment Regulations 1999. Those Regulations require that planning applications for certain proposals that are likely to have **significant environmental effects** (by nature of their '*nature, size or*

*location*’) are accompanied by an Environmental Impact Assessment. When assessed upon receipt, it was concluded that the current application was a ‘Schedule 2’ development, - being *an industrial installation for the production of electricity where works exceeds 0.5 hectare in area*” - and therefore fell to be screened.

Accordingly, the development was assessed against criteria listed in Schedule 3 of the Regulations and advice contained in related circulars. The Screening Opinion concluded that the proposal would not have a significant effect on the environment sufficient to warrant requiring an environmental impact assessment. Members should note however that such an opinion does not compromise or influence the subsequent consideration of the planning application which must be carefully assessed against relevant national and local planning policies and other material planning considerations.

### **Principle of the Development**

This application relates to a site which falls within the defined settlement boundary, on land which is protected for employment purposes.

In a national planning policy context the Infrastructure chapter of Planning Policy Wales (PPW) lends support in principle to the proposal by stating that within the energy sector Welsh Government’s objective is *“to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts.”* (PPW, para 12.8.6). The proposal forms part of such a vision to provide energy from a mix of sources and would provide an alternative resource when less reliable renewable sources are not available.

Policies EMP2 and DM10 of the LDP designate the Rassau Industrial Estate as a Primary Employment Site and identify those uses/activities that might be considered acceptable on such sites, namely:

- activities falling within Use Classes B1, B2 and B8 of the Town and Country Planning Use Order 1987 (as amended);
- appropriate *sui generis* uses; and
- uses that provide an ancillary facility or service to the existing and proposed employment use.

One of the objectives of Policy DM10 is to protect existing employment land and premises which are increasingly under pressure to be developed for non- employment uses.

On the basis of the application details I have concluded that the proposed use is a *sui generis* use rather than an ancillary facility, as the electricity generated is not to be supplied directly to and for the benefit of business on the industrial estate. It must be acknowledged however that users on the estate may indirectly benefit from the improvement in capacity for the national grid within the area and the security of supply that this development may bring, particularly during periods of high demand.

Whilst the Team Manager Planning Policy raised no objection to the development she did advise that the development proposed was not the type of *sui generis* use that had been anticipated by the LDP. The appropriateness of the use was questioned on the grounds that the application related to land that had been protected as part of the LDP process to meet the economic development needs of the area, particularly as the employment benefits were considered questionable. However she was mindful that in a national context that PPW emphasises the importance of infrastructure including electricity as being “*crucial for the economic, social and environmental sustainability of all parts of Wales*” (PPW para 12.1.1). The applicants were therefore asked to provide further information that might allay such concerns. In their response the agents contended that:-

- the site was a relatively small area of vacant land
- the *sui generis* use proposed was appropriate – provided windfall employment opportunities
- that whilst number of employees was small it was commensurate with the site area and there was nothing in the LDP that prescribed the number of employees per unit or density of employment
- the use of vacant land demonstrates the efficient use of land
- the generation of electricity would reinforce national grid and would be of indirect benefit to industry in the area – hence accords with objectives of policy SP8 of the LDP to support development of the manufacturing sector
- the employment generated by the proposal would provide varied opportunities – management, maintenance and security staff – which would be recruited locally where possible.

The responses received were referred to the planning policy section. They confirmed that they did not wish to comment further.

In the national context it has been noted that PPW (para 7.1.1.) advises that “*Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction and energy sectors are also important to the economy and are sensitive to planning policies*”. It continues by referring specifically to the need to make provision for the needs of the entire economy, and the policies applicable to other sectors, including Infrastructure and Services. PPW also highlights the need for local planning authorities to “*promote the reuse of previously developed, vacant and underused land*” (para 7.1.3.).

Within the national planning policy context I am satisfied that siting of an energy generation facility on this vacant site within the industrial estate is acceptable in principle. I shall refer to issues surrounding the proposals potential impacts upon environmental and other receptors elsewhere in this report.

In considering the acceptability of the proposal relative to the approved LDP policies and the reference to ‘*appropriate sui generis uses*’ I am mindful of what other alternative locations might be suited for such development. I note the agents contention that whilst the use may not have been one anticipated in the LDP there are no policies in the LDP that might indicate the level of employment opportunities expected of any site or building, and the provision of this facility will be of wider indirect economic benefit to the area by virtue of the energy generation and reliability that will be secured through its operation. I am also mindful that whilst this development (and those other similar developments already approved on the Rassau Industrial Estate and elsewhere) will result in the loss of employment land this is not significant in the context of the amount of employment land available in the Borough and would not, in my opinion warrant refusal of the planning application.

On balance I consider the use is acceptable for an industrial estate and is supported by national planning policy objectives – it will provide employment opportunities (although limited), it is of a character that is better suited to an industrial estate than to other more sensitive locations and it will bring into beneficial use an area of land that is currently vacant.

### **Landscape/ Visual Impact**

The application is screened from the east by the existing industrial unit and is partially screened from the west and the south west by a belt of woodland and tree planting which is typical in other locations across the

estate. In 2014 planning permission was granted for an extended parking area to the south of Unit 26 and whilst that permission has not been fully implemented, the approved works will inevitably result in the loss of some trees that currently provide valuable screening for the application site. Whilst a compensatory planting scheme was approved as part of that development, the planting proposed is to be undertaken at a lower level and is likely to take a significant time to establish. Such planting cannot therefore be relied upon to provide the level of screening required for the development. It must be acknowledged therefore that the application site is likely to be more visually more prominent than it currently is (if the extended parking area is provided) and its visual impact from distant and closer vantage points, including that from the realigned A465 needs to be carefully considered.

I have noted that the Landscape Officer has recommended that the existing tree screening belt is maintained. However with the extant permission in place for an extended car park area this cannot be ensured, especially as most of the screening that is referred to falls outside the current application site boundary. I have therefore considered the visual impact of the development with the expected reduction in peripheral tree screening to the south/southwest.

I have noted that the topography of the area and existing development will provide screening of the site over distance from the west and north. I have also noted that the realigned A465, to the south of the site runs at a significantly lower level than the application site hence direct short distance views from the road are likely to be limited. In this context I am satisfied that the developments potential visual impact could be mitigated by the provision of a further band of planting along the southern boundary at application site level, and the careful consideration of boundary treatments and finishes of other structures. In this regard it is considered that the boundary palisade fencing proposed would have an unacceptable impact and should be substituted for a more visually appealing security fence, such as a dark green powder coated weld mesh fence. I am also mindful that the site layout plan as submitted indicates the provision of diesel tanks and a interceptor close to the site's southern boundary. I have discussed this issue with the agent and he is agreeable to the precise siting of these structures to be the subject of a planning condition. This will allow some added flexibility to the developers to provide a more substantial band of screen planting along the site's southern boundary. Members should note that it is my intention to deal with the issue of unauthorised deposit of hardcore along the sites southern boundary as a separate enforcement issue.

From a landscape/visual perspective I have concluded that I am satisfied that the development can be controlled in a manner that would ensure that it would satisfy the requirements of policy DM1.2 of the LDP and would not be detrimental to the landscape amenity interests of the area

### **Noise**

Following the submission of an initial Noise Impact Assessment Report the developer has provided a number of updates that seek to address technical queries and concerns raised by the Environmental Health Officer:-

- ACCON – Noise/Air Quality note dated 26.09.14
- ACCON – Noise Clarification sheet dated 21.10.14
- ACCON – Noise Technical Note v6 dated 07.01.15

The information submitted has also sought to respond to specific queries raised regarding the cumulative impact of the proposed development. It has looked to model more accurately the impact of the development in tandem with the impact of current works to the A465, and to account for amended guidance and more detailed information on noise that has been sourced from the equipment suppliers.

Having received confirmation from the applicant that the noise from the proposed development, including any penalty for the characteristics of noise will not give rise to any increase in background noise levels at sensitive receptors at any time, the Environmental Health Officer has confirmed that he would not object to the development on noise grounds. However he has suggested the imposition of conditions that would restrict the noise levels emitted from the development and would require the operator at specified timeframes to undertake noise assessments and provide the Authority with a report to demonstrate that the plant operates in compliance with the stipulated levels. The conditions would also include clauses that require that if such limits are exceeded that the plant be modified, limited or shut down until measures are taken to reduce noise levels. Such conditions would replicate those imposed in relation to the reserve power plant application recently approved on land at the Tech board Site.

It should be further noted that in providing the additional assessments and modelling the applicant's consultants ACCON have acknowledged that the proposed acoustic fencing that is to enclose the generators will need to be increased from three to four metres in height (Noise Assessment Technical Note (V6 dated 07.01.15)). Whilst this change will have some impact in a visual sense, I am satisfied that this would be

acceptable visually, particularly as the acoustic fence is to be positioned approximately 15 metres back from the sites most prominent southern boundary.

Whilst mindful of the concerns expressed by a local resident regarding the development's potential to cause noise disturbance to residents in the Beaufort Wells area I am satisfied that the issue of potential noise has been thoroughly examined by the Council's Environmental Health Officer and that enforceable conditions can be imposed that will safeguard those residents when the development becomes operational. Whilst the officer did have a number of queries in relation to noise relative to the initial submission he is satisfied with the further reports and explanations received and has confirmed that he does not object to the development on noise grounds. Planning conditions should therefore ensure that the development satisfies the requirements of policy DM1.2 of the LDP in that the amenities of local residents should not be unduly affected.

### **Air Quality**

Policy DM1.2g of the LDP requires that new development does not result in airbourne emissions which have an unacceptable effect on the health, amenity or the natural environment of the surrounding area, taking into account the cumulative effects of other proposed or existing sources of air pollutants vicinity.

This application was initially accompanied by an Air Quality Assessment Report (dated 04.08.14) which concluded that the National Air Quality Objective levels for NO<sub>2</sub> would not be exceeded at any of the sensitive receptor locations in close proximity to the proposed development site. The receptors considered in the air quality assessment were Coates Row and Wells Farm, Beaufort Wells.

However several queries were raised on air quality issues during the consultation process by the Council's Environmental Health Officer. In response to such queries the applicant's have had detailed discussions with officers and have submitted numerous technical advice notes and addendums which have since been carefully reviewed. These have included:-

- ACCON – Noise/Air Quality note dated 26.09.14
- ACCON – Revised Air Quality Assessment dated 10.10.14
- ACCON – Air Quality Technical Note v2 dated 21.10.14
- ACCON – Revised Air Quality Note v6 dated 06.02.15

When considering such submissions the Environmental Health Division have also sought the advice of DEFRA and Public Health Wales, other local authorities and an expert on air quality who advises on central government policy.

The Environmental Health Officer has noted that the recalculated exposure levels of nitrogen dioxide (NO<sub>2</sub>) at sensitive receptors as presented in the latest submission (ACCON – Air Quality Noted dated 06.02.15) are lower than those indicated in earlier submissions. The applicants have also clarified what the potential maximum exposure rates would be at sensitive receptors. Whilst such levels are higher than those specified in the Authority's air quality objectives the officer acknowledges that the air quality objectives allow for 18 exceedances of air quality standard for the hourly NO<sub>2</sub> exposure annually and that there is no maximum exposure level specified in regulations. He is also mindful of the applicant's argument that the number of potential exceedances is reduced significantly (even at the nearest sensitive receptor – Coates Row) given that the plant is only predicted to operate for 350 hours a year. The applicants have argued statistically that the likelihood of there being 18 exceedances in one year is very small (1 year in every 855.116).

When consulted on this issue Public Health Wales advised that in their view one exceedance of the standard should be avoided. They noted in this context that the respiratory health of the population of the Rassau area is below the average for Wales therefore increasing their susceptibility to any increase in background pollution in the locality.

DEFRA have also provided technical advice on the air quality assessment and the methodology used by the applicant's and have confirmed that this appears robust. The Environmental Health Officer acknowledges however that the technical advice provided by DEFRA is somewhat contradictory. Whilst it refers to the standard (200µg/m<sup>3</sup> for NO<sub>2</sub>) as being the basis for a potential risk to health it also refers to the allowance for exceedances "*because of considerations of feasibility and practicability*". The officer has not been able to establish how "feasibility and practicability" might be defined but suspects that this might be an allowance made for political rather than a health reason.

The Environmental Health officer is mindful that the applicant's approach has been to use the Authority's air quality objectives as a measure of the acceptability of their proposal – arguing how up to 18 exceedances per year would be acceptable. He is of the view, however that one

exceedance should be avoided if possible and that the air quality objectives should not be used as a means to degrade good air quality. He is also mindful that the potential maximum exposure level from emissions is an important consideration on the impact on health and that the predicted maximum exposure level ( $400.25\mu\text{g}/\text{m}^3$ ) can be significant for individuals with underlying heart or lung problems, although for the general population there is no specific health advice.

Despite such concern the Environmental Health Officer is not convinced that he could justify refusal of the planning application based on one exceedance of the nitrogen dioxide limit nor on the predicted maximum exposure level of exceedance as there is no specified maximum exposure limit for this specific pollutant. Having regard to this and the fact that the applicant's statistical analysis demonstrates that exposure to maximum concentration levels would only occur once in every 25 years and 18 exceedances within one year would only occur once every 855,000 years (based on the expected level of use of the plant) the officer has concluded that he does not object to the development on the basis of air quality. He does however suggest the imposition of three conditions that will restrict the developer to the operational parameters and emission rates referred to in their updated reports and would require the applicant at specific timeframes to produce an air quality management plan to demonstrate compliance with the predicted impacts. The conditions would also require the operation to be modified, limited or shut down in the event that the parameters specified in the approved management plan were exceeded.

Members will appreciate that the detailed advice received from the Council's Environmental Health Officer is the product of a thorough examination and questioning of the applicant's submission and reference to related guidance and advice from other related agencies. Whilst it is apparent from his response that he remains concerned regarding the approach that has been taken by the applicants in relation to the air quality aspects of this proposal, he has concluded that in light of the framing of the Authority's air quality objectives and the allowances therein it would be very difficult to justify refusal of the current planning application. From an LDP perspective I have noted the need for the Local Planning Authority "*to be satisfied that proposal does not result in airborne emissions which have an unacceptable effect on the health, amenity or natural environment of the surrounding area taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity*" (LDP, Policy DM1.2(g)). I am satisfied that such issues have been the subject of a detailed assessment and that the

potential impact of any emissions have been carefully considered. In my opinion the Local Planning Authority are bound in such circumstances to give significant weight to the technical advice and conclusions reached by its expert advisors. In this context I am also mindful (as is the Environmental Health Officer) of the anticipated level and duration of use of the proposed plant. In reaching this conclusion I have also examined national planning policy advice on air quality issues. Para 13.10 of PPW dealing with 'Improving the quality of water and air' clearly advises that the onus on local planning authorities is to "*operate on the basis that the relevant pollutant control regimes will be properly applied and enforced by other agencies*". In this context NRW have advised that the development would not be a 1.1 combustion activity under the Environmental Permitting Regulations and would therefore be permitted by the Local Authority. The Council's Environmental Health officer has further advised that whether a permit would be required from the Council would depend on the level of net thermal output of the plant. He has confirmed that this would be a matter to be clarified if planning permission was granted. He has also confirmed nevertheless that he is satisfied that if such permit was not required that the proposed planning conditions would provide adequate controls on emissions in relation to exposure to receptors.

### **Other impacts**

Members will appreciate that when dealing with a planning application of this nature that there is a requirement for the authority to consider and address several other potential impacts of a proposed development relative to national and approved development plan policies and criteria. The 'Consultations' section of my report refers in brief to several such issues, namely

- nature conservation;
- light pollution;
- contamination of land and controlled waters;
- surface water and land drainage;
- highways and car parking; and
- connection to national grid.

I have assessed the application details against the criteria from relevant policies and am satisfied that any concerns or safeguards required in respect of these potential issues can be addressed by the imposition of suitably worded planning conditions.

Of the issues listed I am mindful that one issue Members might be concerned about is the intended means and route of connection to the national grid. In the Design and Access Statement that supported the planning application the applicants have confirmed that this site is extremely close to a 132kv substation allowing a short and relatively simple route for interconnection via subsurface routing of the cable.

### **Conclusion**

This proposal has been carefully assessed relative to national and approved development plan policies having regard to the detailed advice and comments received from a wide range of consultees and the public. The main considerations were identified as being the principle of the use of the land for such purpose and the potential impacts of the proposed development in terms of visual, noise and air quality. Other potentially less problematic impacts have been identified and have been deemed to be matters that can be addressed by the imposition of planning conditions.

Following an assessment of the proposal against approved land use and visual amenity related policies and a thorough examination of the detailed updated information provided by the applicants in relation to noise and air quality impacts, officers have also concluded that the development is acceptable in this location and that its impacts can be suitably controlled by mitigation and appropriate conditions. I accordingly recommend approval of the application subject to conditions and advisory notes.

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to the following **CONDITIONS:-**

- 1 The development shall not be carried out except in complete accordance with the details of the following approved plans and documents, except where amended by conditions attached to this planning permission

#### Plans:

Site Location Plan - ref 35/L(00)210 received 04.08.14

Site Plan - ref 35/L(00)205, received 19.08.14

STOR Generator Layout - ref 2MVA STOR received 19.08.14

Fuel tank drawing - ref EBD5000, received 04.08.14

Switchgear Housing - received 19.08.14

DNO Relay and Metering Room, received 19.08.14

Welfare Office - ref L(00)220, received 08.08.14  
Storage Unit - ref L(00)221, received 08.08.14  
GA of Perkins 2506 Std Tank - ref MGA7032 revision A,  
received 08.08.14

Documents:

Design and Access Statement (August 2014) by Asbri  
Planning, received 04.08.14

ACCON UK Noise Impact Assessment dated 31.07.14

ACCON UK Air Quality Assessment dated 04.08.14

ACCON UK Noise/Air Quality Note dated 26.09.14

ACCON UK Revised Air Quality Assessment dated 10.10.14

ACCON UK Noise Clarification sheet, dated 21.10.14

ACCON UK Air Quality Assessment - Technical Note V2,  
dated 21.10.14

ACCON UK Noise Assessment - Technical Note v6 dated  
07.01.15

ACCON UK Revised Air Quality Technical Note v6 dated  
06.02.15

Reason: For the avoidance of doubt and to ensure  
compliance with the approved plans and documents.

- 2 At any time the operational parameters and emission rates associated with emissions to atmosphere from the proposed development shall not exceed those specified in air quality assessment report entitled "Air Quality Assessment Report dated 04.08.14, and all subsequent technical updates listed in condition No 1 that were submitted in support of planning application reference C/2014/0227.

Reason : In the interests of amenity

- 3 Prior to commencement of the development an air quality management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall set out how the developer will demonstrate compliance with the predicted air quality impacts as set out in the air quality assessment report entitled "Air Quality Assessment Report dated 04.08.14 and all subsequent technical updates listed in condition No 1 submitted in support of planning application reference C/2014/0227. The plan shall have particular reference to any air quality monitoring and modelling proposed to demonstrate this compliance including timescales for this to be undertaken. The

recommendations of the approved air quality management plan shall be implemented in full.

Reason : In the interests of amenity

- 4 During the course of any air quality impact assessment conducted in compliance of Condition 3, should the development be identified as operating above the parameters specified in Condition 2, the development shall be modified, limited or shut down. These measures shall be applied until such time as maintenance, modification or repair is undertaken sufficient to reduce the air quality impacts from the development to within the parameters specified in Condition 2 .

Reason : In the interests of amenity

- 5 The rating level of the noise emitted from the development site shall not exceed the background noise level established during the commissioned phase of the development (without the approved development operating) by more than + 0 dB between 23:00 hrs and 07:00 hrs, -11 dB between 07:00 hrs and 19:00 hrs and -6 dB between 19:00 hrs and 23:00 hrs. The noise levels shall be determined at the boundary of the noise sensitive premises exposed to the highest level of noise from the development. The measurements and assessment shall be made according to BS 44142:2014

Reason : To safeguard the amenities of occupiers and the users/occupants of nearby properties.

- 6 Within the first month of the operation of the plant the operator shall at his/her expense employ an appropriate qualified consultant to assess the level of noise emissions from the plant and demonstrate compliance with Condition No 5. The applicant shall inform the Local Planning Authority in writing of the name of the appointed consultant and provide full details of the assessments to be undertaken. The assessment shall not take place until the Local Planning Authority has confirmed in writing that the proposed noise consultant is suitable and the assessment scheme is acceptable. The approved noise assessment shall be carried out and a final report detailing the result submitted to the Local Planning Authority within the first six months of the operation on the plant. During the course of

any noise assessment conducted under this condition should the development be identified as operating above the parameters specified in condition No 5 the development shall be modified, limited or shut down and the Local Planning Authority informed within 24hrs. of this occurring. These measures shall be applied until such time as maintenance or repair is undertaken to reduce the absolute noise level from the development to within the parameters specified in Condition No 5.

Reason : In the interest of sensitive receptors.

7 At the written request of the Local Planning Authority the operator of the development shall, at its expense, employ an appropriately qualified consultant, approved by the Local Planning Authority, to assess the level of noise emissions from the development at noise sensitive receptors (as specified by the Local Planning Authority) following the procedures and methodology described in B.S. 4142:2014. The developer shall:

- a) Inform the Local Planning Authority in writing at least two weeks prior to the noise assessment of the name of the appointed noise consultant and the noise assessment shall not take place until the Local Planning Authority has confirmed in writing that the proposed noise consultant is suitable.
- b) During the course of any noise assessment conducted under this condition, should the development be identified as operating above the parameters specified in Condition 5, the development shall be modified, limited or shut down and the Local Planning Authority informed within 24 hours of this occurring. These measures shall be applied until such time as maintenance, modification or repair is undertaken sufficient to reduce the absolute noise level from the development to within the parameters specified in Condition 5.

Reason: In the interests of sensitive receptors

8 No development shall commence until an assessment of the nature and extent of any site contamination is undertaken in accordance with a methodology which must first be submitted to and approved in writing by the Local Planning Authority. Such assessment shall include:

- a) A desktop study to include the identification of previous site uses, the extent and type of any contamination and their impacts on land and controlled waters, and details of all potential source, pathway and receptor linkages, and potentially unacceptable risks arising from contamination at the site. The information should be used to produce a Site Conceptual Model for all potential contaminant sources, pathways and receptors;
- b) A site investigation and risk assessment shall be designed for the site having regard to the desktop study and Conceptual Model to provide information for a detailed assessment of the risk to all receptors that may be affected, including off-site. The proposed design shall be submitted to and approved in writing by the Local Planning Authority prior to the site investigation being carried out on site.
- c) The site investigation and risk assessment shall be undertaken in accordance with the approved details and with BS 10175/2011 (Investigation of Potentially Contaminated Sites - Code of Practice).
- d) Where necessary an options appraisal and method statement detailing the remediation measures identified as necessary to treat/remove contamination to ensure that the site is fit for purpose shall be submitted to and approved in writing by the Local Planning Authority.
- e) The development hereby approved shall not be brought into use until all such measures identified as necessary to decontaminate the site, as contained in the approved remediation report, are implemented.
- f) On completion of the remediation works the applicant shall provide for the written approval of the Authority a validation report and verification plan signed by a suitably qualified person that confirms that such measures and/or works have been implemented fully in accordance with the approved remediation report. The verification plan shall identify any requirements for the longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall implemented fully in accordance with the detailed as agreed and approved

Reason : The Local Planning Authority is advised that the site may be affected by contamination and considers it appropriate to assess the significance of such contamination to human health and the quality of controlled waters before development can proceed.

- 9 If, during the course of development, any contamination is found which has not been identified in the site investigation required by condition 8 additional measures for the remediation of this source of contamination in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate all approved additional measures and shall be completed before the development hereby approved is brought into beneficial use.

Reason : To ensure that any unexpected contamination issues are adequately addressed and that suitable mitigation measures are implemented.

- 10 No external lighting shall be erected that causes glare outside of the site on the public or private highways. All overnight exterior lighting shall be shrouded and fitted with as a low a lumen output as possible without breaching health and safety requirements. During the night-time hours (23:00-06:00) the use of high output flood lighting shall be restricted for use where absolutely necessary for external operations.

Reason : To minimise the impact of excessive lighting which may cause disturbance and annoyance to other industrial users and in the interests of environmental sustainability

- 11 Notwithstanding the details show on the approved Site Plan (ref 35/L(00)205, received 19.08.14) and prior to the development coming into operation details of the siting and design of the three fuel storage tanks and interceptor shall be submitted for the written approval of the Local Planning Authority. The development shall be completed in accordance with these details. Prior to the development coming into operation a method statement shall be submitted for the written approval of the Local Planning Authority which shall detail in relation to the filling/refilling of the onsite fuel storage tanks and each generator (or grouping as required) the following:

- the process for manual filling
- pollution prevention measures to be employed to prevent leaks and spills during fuel transfer.

Reason: In the interests of achieving a safe form of development and satisfactory pollution control.

- 12 The development hereby permitted shall not be brought into use until such time as a scheme for the disposal of foul and surface water has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: In the interests of protection of the environment and pollution control

- 13 Notwithstanding any details indicated on the approved plans no development shall take place until details of the siting, design, and materials of all gates/ fences/boundary treatments proposed in relation to this development have been submitted to and approved in writing by the Local Planning Authority. Any boundary treatments approved shall be erected before the development is brought into use and shall be maintained, thereafter at all times.

Reason: To safeguard the visual amenities the area.

- 14 Notwithstanding the details submitted prior to the commencement of development details and specifications of an acoustic barrier to surround the 48 generators shall be submitted for the written approval of the Local Planning Authority. Prior to the development coming into beneficial use the acoustic barrier shall have first been erected in accordance with the approved details and shall be retained thereafter.

Reason: To ensure that the nearby dwellings and units to the hereby permitted installation do not experience unacceptable levels of noise disturbance.

- 15 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The submitted scheme shall include:

- indications of all existing trees (including spread and species) and hedgerows on the land clearly identifying those to be lost or retained;

- measures for the protection of retained trees throughout the course of development;
- details of ground preparation, planting plans, number and details of species;
- maintenance details for a minimum period of 5 years; and
- a phased timescale of implementation.

Reason: To ensure submission of an appropriate landscaping scheme and to secure a development that makes a positive contribution to the landscape and visual amenities of the area.

- 16 Permission is granted subject to the provisions of section 91(1) of the Town and Country Planning Act 1990 namely that the development to which this permission relates must be begun not later than the expiration of 5 years beginning with the date on which the permission is granted.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990

### **Informative Advice**

- 1 This planning permission does not cover the grid connection; separate planning permission may be needed for this. The Local Planning Authority however notes that connection is to be made below ground level and would be supportive of such an approach
- 2 The applicant is required to liaise with the Council's Service Manager Public Protection to clarify any other regulating permits that might be required in relation to the proposed development.
- 3 When preparing the details required in relation for condition 13 the developer should note that the Local Planning Authority considers that palisade style fencing and fencing comprising of a galvanised finish are not considered visually acceptable for the locality.
- 4 The developer should note that when preparing the landscaping details required in relation to condition No 15 that they should include details of a belt of tree planting along the site's southern boundary. This is considered necessary in order to provide an effective screen to the site as viewed from the south.

- 5 The developer is advised that the Local Planning Authority intends the requirement for a noise assessment under condition 7 to be invoked only where there are substantial and substantiated reasons to suspect a noise issue from the development. Such a decision will be taken in consultation with the Service Manager Public Protection .
- 6 The developer is respectfully requested to utilise local labour and supply chains in the construction, operation and decommissioning of the development in the interests of the local economy.
- 7 The developer is advised to contact Natural Resources Wales in relation to preparing details on foul drainage in relation to condition no 12

The adopted development plan for this area is the Blaenau Gwent Local Development Plan. This planning permission is issued having regard to policies in that LDP including policies SP8, SP10, DM1, DM2, DM10 & EMP2

Cyngor Bwrdeis dref Sirol

**.Blaenau**

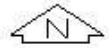
County Borough Council

Community Services Department, Central Depot, Barleyfield Industrial Estate, Nantyglo, Brynmawr. NP23 4YF

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R.P. Morrison, B.Sc.(Hons), C.Eng., M.I.C.E., D.M.S. - Director of Community Services/Cyfarwyddwr Gwasanaethau'r Gymuned



Date : 23/01/2015

Map Reference : S01411

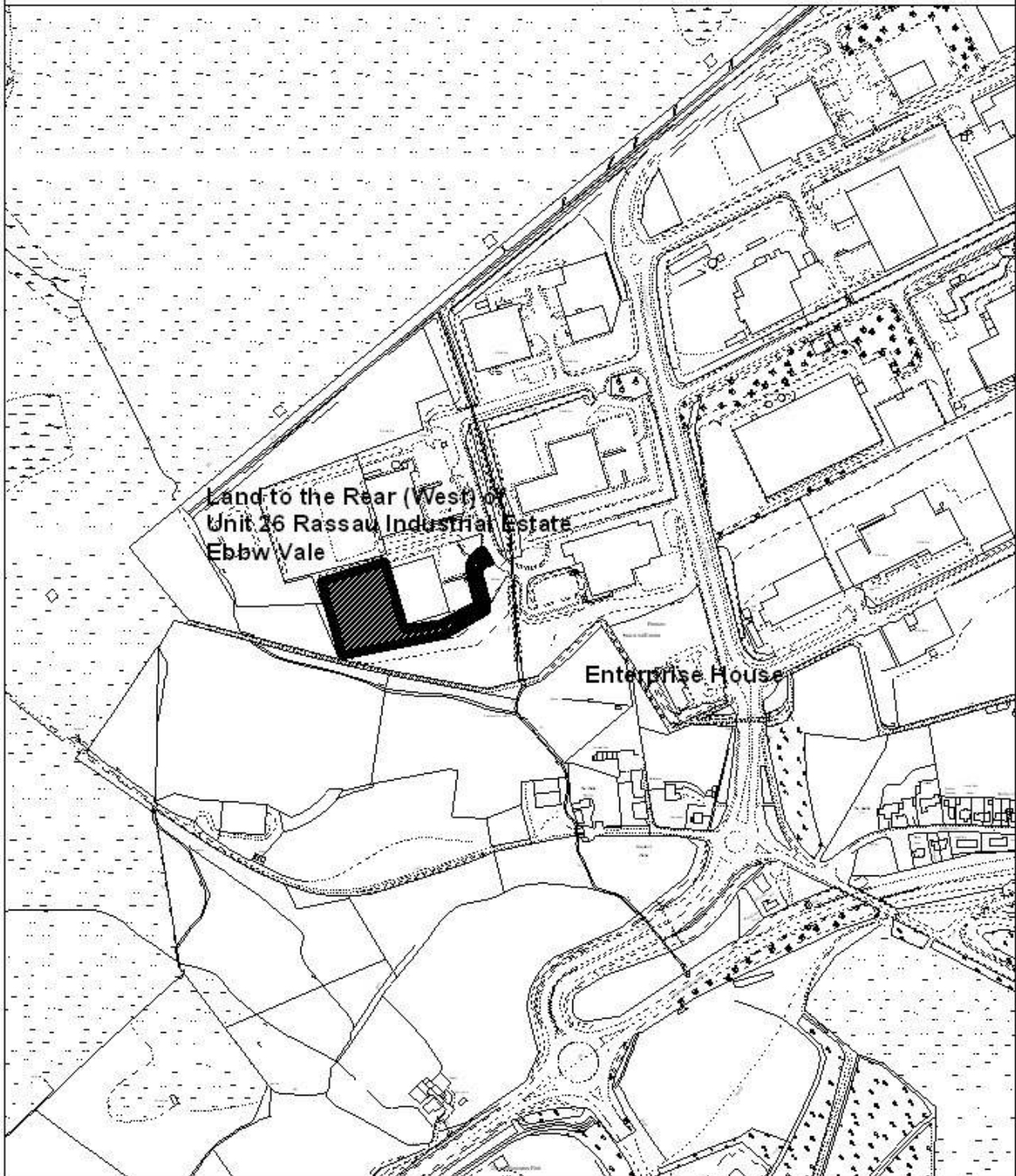
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Date : 21/05/2015

Map Reference : SO1411NW

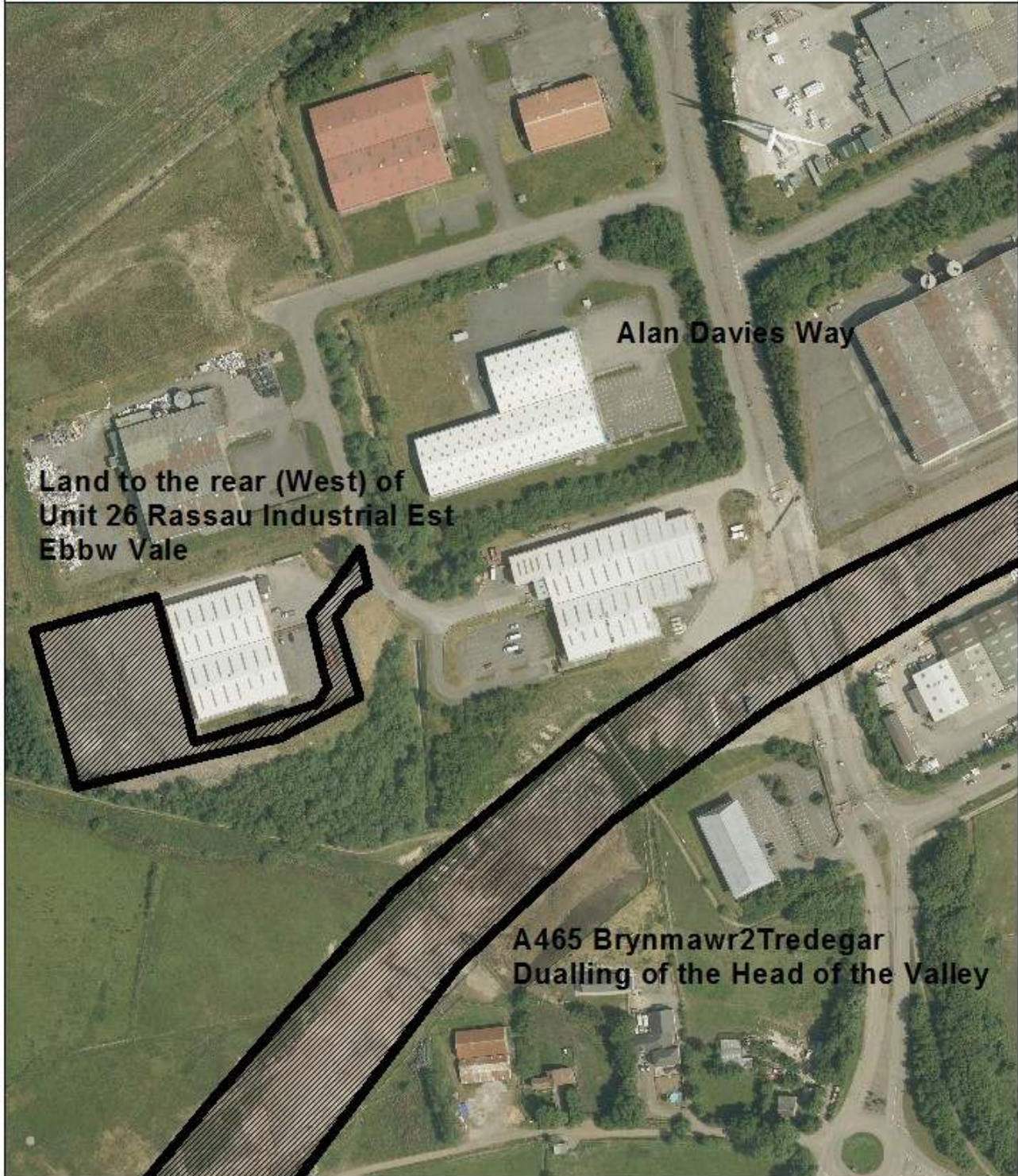
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Application No. : C/2015/0057 (Full)

Case Officer : Catherine Ashby & Sarah Parry

Date Lodged : 18<sup>th</sup> February 2015

Applicant : Blaenau Gwent CBC  
Civic Centre  
Ebbw Vale

Agent : Head of Technical Services  
Blaenau Gwent CBC  
Baldwin House  
Victoria

Location : Silent Valley Landfill  
Land adj Waste Transfer Station  
Cwm

Proposal : Extension to existing Waste Transfer Station comprising reinforced concrete slabs, portal framed buildings, pre-cast concrete A-frames, electrical/water supplies, assoc drainage and welfare facilities, parking and offices.

Ward : Ebbw Vale Cwm

### **REPORT SUMMARY**

Planning permission is sought for a new waste transfer station facility at Silent Valley. The site is in the north western area of the tip. It would comprise of long low level buildings, internally partitioned for waste streams to be sorted and recycled within. It would be serviced by a new access road with turning and waiting facilities. The principle of the use is acceptable on this site. The facility is relatively remote and well screened. There have not been any issues raised by consultees concerning environmental and other impacts that cannot be addressed by planning conditions. The recommendation is that planning permission be **GRANTED**.

## **SITE AND DEVELOPMENT DESCRIPTION**

This is a full application to provide new waste recycling and transfer facilities at Silent Valley. It would be located in the far north of the site at the opposite end of the tip to the existing main office complex.

The main tip area is presently in the stage of restoration and aftercare by Silent Valley Waste Services. The application site at the furthest extremity as one enters the main gate and is bounded to the south and east by the existing landfill area. The valley sides slopes from the western boundary down to Waunlwyd. There is a steep escarpment to the north which gives way to open mountain top moorland.

The development would comprise long concrete slabs to accommodate portal framed buildings that house a series of bays. Waste streams would be sorted and bulked for shipment in these bays. They would be three sided with an open aspect facing south, fitted with roller shutter doors for night-time security. Office and welfare facilities for staff will be provided on site. The buildings would be 10m high with the internal bays partitioned 6m x 7m.

The development is part of the new waste model being implemented by the Council involving new collection vehicles and collection cycles. The facility will operate between 8am and 4.30pm Monday to Friday with limited weekend work between 8am and 1pm.

The site will be self contained in the sense it will receive vehicles, sort waste, despatch bulk and provide for vehicle cleaning/storage. It will be capable of handling in excess of the anticipated Council generated 35,000 tonnes of household residual waste and commercial/industrial waste per annum. A separate permit may also be required from NRW following any grant of planning permission.

## **RELEVANT PLANNING HISTORY**

The Silent Valley site is an established area for waste facilities. As such there is a long planning history associated with those uses dealing with tip areas and profiles, buildings infrastructure and restoration.

None of that history is directly relevant to this new facility save that it firmly establishes the principle of waste related uses within the site perimeter.

## **RELEVANT CONSULTATION RESPONSES**

### **Team Manager - Building Control**

Building Regulations application is required

### **Team Manager - European and Planning Policy**

The development lies outside the settlement boundary but is allocated for waste management facilities (Policy W1.2) in the adopted LDP. The site is designated as a mineral safeguarding area (Policy M1) and part of the site is designated as an area where coal working will not be acceptable (Policy M3). Planning Policy broadly support the proposed development.

### **Service Manager - Infrastructure**

Highways: No objections

Drainage: No objection subject to detailed technical drainage requirements that can be addressed by planning condition

Ground Stability: No objections in principle. Further testing should be carried out on the site to confirm the geotechnical characteristics.

Landscape: No objections to the proposal. The covered working areas will ensure that the negative visual impacts will be screened. The units are located within an enclosed landform with very limited receptor locations. Pre application landscape discussions have been held regarding the proposal. Given the location of the development, site topography and surrounding landscape characteristics, there are no identified sensitive receptors that require mitigation.

Ecology: No objection subject to conditions. An ecological survey has been submitted with the application which details the habitat as being suitable for breeding birds and reptiles. The report contains recommendations to deal with these issues and these must be followed.

### **Service Manager – Public Protection**

No objection subject to condition to deal with potential contamination.

### **Service Manager – Waste**

The developer/applicant is advised that the removal and disposal of all waste resulting from this development must be dealt with in accordance with The Waste Regulations and the principles of the waste hierarchy.

### **Head of Estates & Strategic Asset Management**

No observations.

### **Welsh Water**

There is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal.

### **Natural Resources Wales**

No objection subject to satisfactory resolution of issues around ecology, contamination and permitting.

**Western Power Distribution:** Apparatus within the vicinity

### **Wales and West Utilities**

No apparatus in the vicinity. However, Gas pipes owned by others may be present within the area.

**GWT:** No response received at time of preparing report

**GGAT:** No objections

### **PUBLICITY**

The application was advertised by means of a site notice and a press notice. No representations have been received.

### **RELEVANT PLANNING POLICY**

#### **Blaenau Gwent Local Development Plan**

DM1	New Development
DM2	Design & Place making
SP10	Protection/enhancement of the Natural Environment
DM14	Biodiversity Protection and Enhancement
DM19	Mineral Safeguarding
DM20	Waste

### **PLANNING CONSIDERATION**

The principle of a recycling/waste transfer type facility is acceptable. The footprint of the new bays, concrete slabs and parking/storage areas are within the historical boundary of the landfill. This development does not represent an extension of the site boundary but rather a new, environmentally sensitive operation within the existing fence line. It will assist the Council in meeting the aspirations of the Wales Waste Strategy (WG) and provide the infrastructure to reduce waste thus helping to meet waste performance targets.

The existing weighbridge, offices and wheel wash will continue to operate. However there will be new facilities such as portacabins for office/toilet for members of staff as part of this new proposal.

The site is relatively well screened from short and longer distance views. It is all but invisible from most sensitive receptors such as houses. The buildings are simple in design with metal cladding around a steel frame. Its form is dictated by the function – sorting and handling takes place under cover within the internal bays. With the use of suitably subdued materials, the building can sit within the landscape and will not be readily visible to a casual observer outside the site unless they are in very close proximity. I make this statement despite the fact that since submission of the planning application, the proposed floor level of the slabs has been raised slightly due to unfavourable ground conditions.

Given the acceptability of the principle and the minimal visual impact, the remaining considerations are those of general amenity, drainage and ground conditions.

In terms of air quality, odour and dust, there is nothing to suggest that the operation will cause any nuisance or amenity concerns at this stage. Much of this comes down to good house management practises. I don't believe there are any planning conditions that could ensure adequate control beyond those restrictions that will form part of the operating permit. In my view these issues are best left to that separate regulatory regime.

With regard to drainage, this is a key issue with all waste related developments. There has been a long history of problems with leachate and drainage at Silent Valley that the Technical Services team are well aware of. The Council's Drainage Engineer has asked for a condition that requires details of an integrated drainage system. This is a reasonable and prudent request.

The Service Manager Public Protection has highlighted areas concerning gas and ground contamination that need further analysis and attention but these can be addressed by planning condition.

At the time of writing, some of the finer details of the scheme are not available. These include lighting, boundary enclosures and precise siting of portacabins. I am satisfied that these peripheral but important matters can be required by condition for later agreement.

Members should note that the notification period required by service of notice of intention of works on the leaseholder SVWS will not expire until 10<sup>th</sup> June. Planning permission cannot be issued until that date. In the event of further representations being received after the date of Committee that are not covered by this report, I will bring the matter back before Members. If not I will proceed to issue a decision as per my recommendation below.

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to the following conditions. Wording of conditions to be finalised prior to issue of decision notice.

- 1 List of plans and reports inserted that form part of the planning permission.
- 2 Details required of all finish materials to buildings.
- 3 Details of lighting, CCTV and ancillary structures such as portacabins.
- 4 Details required of boundary enclosures.
- 5 Condition requiring details of integrated drainage scheme.
- 6 Condition requiring strategy for dealing with adverse ground conditions and potential contamination to address issues raised by Service Manager Public Protection.
- 7 Condition tying the development to the recommendations in the ecology report.

### **Informative Advice**

- 1 A permit from NRW may also be required.

The following policies in the Local Development Plan were material to this decision: DM1, DM2, SP10, DM14, DM19 & DM20

Cyngor Bwrdeisdref Sirol

**.Blaenau**

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R.P.Morrison, B.Sc.(Hons), C.Eng., M.I.C.E., D.M.S. - Director of Community Services/Cyfarwyddwr Gwasanaethau'r Gymuned



Date : 20/05/2015

Map Reference : SO1807

Scale : 1:10000

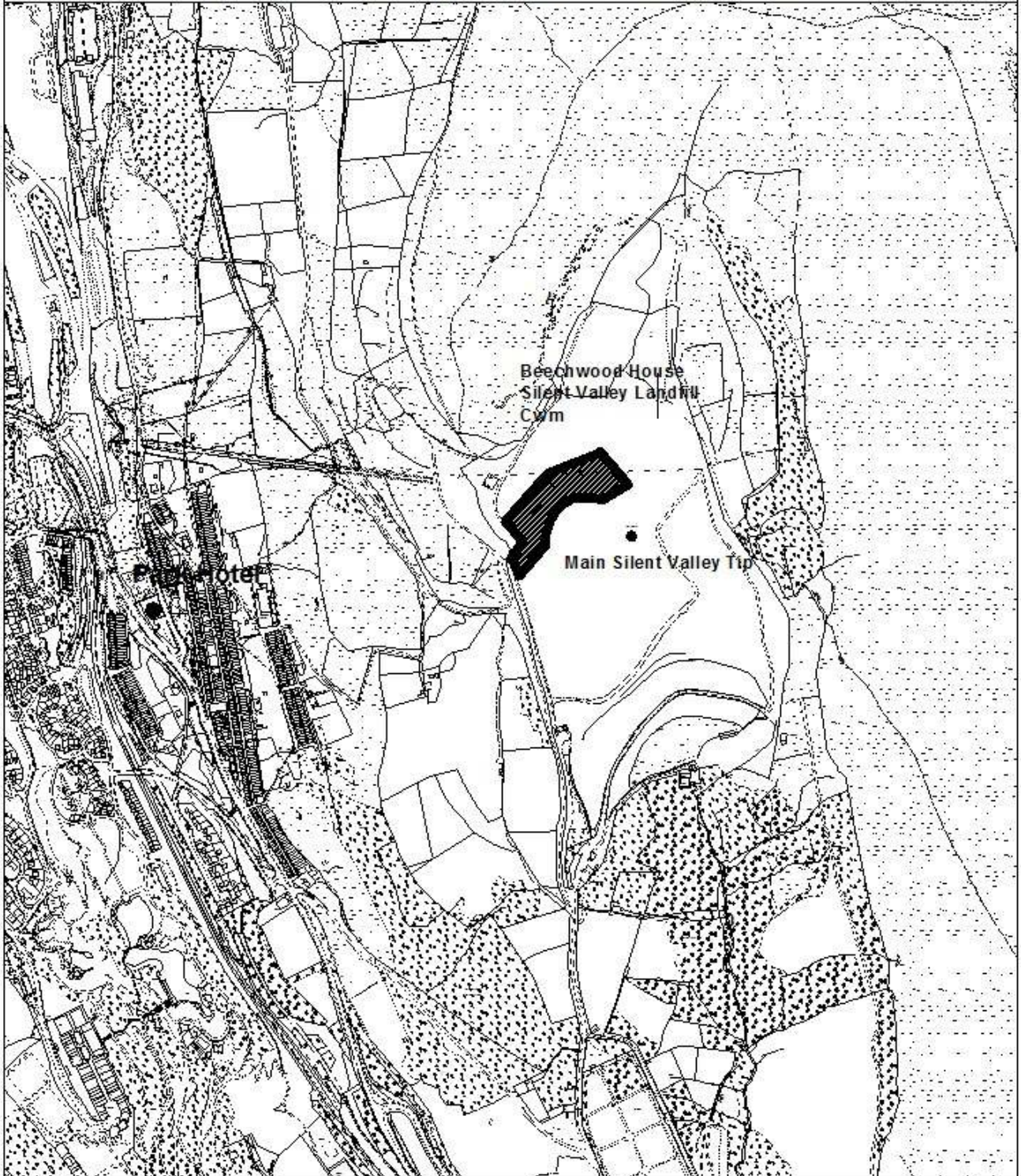
PROJECT:

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Atgynhychwyd o Fapiau'r Ordnance Survey chaniatod Rheolwr Llyfrfa Ei Mawrhydi (c) Hawlfraint y Goron.

Y mae atgynhychu heb awdurdod yn torri Hawlfraint y Goron a gall arwain at erlyniad neu achosion sifil. BGCBC - LA09002L



Application No. : C/2015/0108  
(Full Application)

Case Officer : Jane Engel

Date Lodged : 24 March, 2015

Applicant : Miss Dawn Freeman  
Greggs PLC  
Bramley  
Leeds

Location : 21 Market Street  
Ebbw Vale

Proposal : Change of use of pavement to outdoor  
seating area

Ward : Ebbw Vale South

### **REPORT SUMMARY**

This application seeks planning permission for the change of use of the pavement to outdoor seating area at 21 Market Street Ebbw Vale (Greggs Bakery). The Highway Authority has commented that they cannot support an application for the change of use as the land is adopted Highway and recommend that the application is refused. However they further state that the applicant should apply to the Highway Authority for licence under the Highways Act to provide the facility. It is noted that the Highway Authority have not objected on grounds of highway safety and I therefore consider that in principle the change of use is acceptable and recommend that the application is **GRANTED** subject to an informative note advising the applicant to contact the Highway Authority regarding the requirement for a license.

### **SITE AND DEVELOPMENT DESCRIPTION**

This application seeks planning permission for the change of use of the pavement outside no 21 Market Street Ebbw Vale (Greggs Baker) to an outside seating area.

The proposal would involve the siting of two tables with chairs enclosed by barriers during the opening hours of the bakery. The barriers extend

the width of the building and extend 1.8 m beyond the frontage located under an existing canopy

### **RELEVANT PLANNING HISTORY**

PA/2015/0037	Outside seating area	04/03/2015
C/2013/0212	Installation of a new aluminium shop front and new air conditioning condenser on the rear elevation	Approved 17.09.2013
C/2013/0211	New internally illuminated fascia sign and non illuminated projecting sign on the front elevation	Approved 17/09/2013
C/2003/0161	Advertisement – fascia	Approved 12.05.2003
8736	Change of use to bakers and new shop front	Approved 24.09.1990

### **RELEVANT CONSULTATION RESPONSES**

#### **Service Manager - Infrastructure**

##### **Highways**

The submitted planning application proposes to change the use of the existing footway outside the above property. This footway is in fact dedicated as a public highway and any application for changing the use of this adopted footway will not be supported or indeed permitted by the Highway Authority. In view of this information it is the recommendation of the Highway Authority that this application is refused.

#### **Service Manager – Public Protection**

Confirms no objection although it is suggested it would be prudent to condition the use of the land to the hours of operation proposed by the developer that is 08:00-17:30 Monday to Saturday.

#### **Service Manager – Community Services**

Objects to the application specifically for a Friday due to the Market. No issues on any other day but on market day this will cause problems

### **PUBLICITY**

Letters of notification were sent to adjacent properties and a site notice posted adjacent to the site.

Two emails have been received from market traders who operate stalls outside the application site on a Friday objecting to the proposal on the

grounds that the proposal if approved would have a negative effect upon their trade if they were required to move pitches.

### **RELEVANT PLANNING POLICY**

Blaenau Gwent Local Development Plan

DM1 New development

### **PLANNING CONSIDERATION**

The principle consideration in the determination of the application relates to whether the change of use of the land will have an unacceptable impact upon the amenity of neighbouring occupiers and whether it presents a safety issue for users of the public highway.

I do not consider that the use of the area as an outdoor sitting area during the opening hours of the bakery will have a significant impact upon the occupiers of the neighbouring properties. Therefore I consider that in this respect the application is considered acceptable.

The Highway Authority has indicated that they cannot support the application as it proposes a change of use of the public highway. However they have not raised any objection to the proposal with regards to the impact of the proposal on highway safety. In land use terms I consider the proposal acceptable. It is appreciated that the use of the land on a Friday may result in conflict with the market stalls located opposite the site. It is considered that such issues would be more appropriately dealt with through the Highway Authority's licensing regime..

I note the objections received however the issue of a possible relocation of their pitch is not a consideration for planning.

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to the following condition

- 1 The development shall be completed in full accordance with the following approved plans and documents  
Dwrg No: LRGRGGWE-A1  
Reason: To clearly define the scope of this permission
- 2 Standard Time Limit (full)

## **Informative Advice**

- 1 The applicant is advised that the land forms part of the public highway therefore prior to any works being undertaken you should apply to the Highway Authority for a license. The applicant should note that approval of this application does not override the need for any other regulatory consents.

The following policies in the Local Development Plan were material to this decision: DM1

Cyngor Bwrdeisdref Sirol

**.Blaenau**

County Borough Council

Community Services Department, Central Depot, Barleyfield Industrial

Estate, Nantyglo, Brynmawr. NP23 4YF

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R.P.Morrison, B.Sc.(Hons), C.Eng., M.I.C.E., D.M.S. - Director of Community Services/Cyfarwyddwr Gwasanaethau'r Gymuned



Date : 20/05/2015

Map Reference : SO1609NE

Scale : 1:2500

PROJECT:

TITLE:

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Atgynhychwyd o Fapiau'r Ordnance Survey charniatad Rheolwr Llyfffa Ei Mawrhydi (c) Hawlfraint y Goron.

Y mae atgynhychu heb awdurdod yn torri Hawlfraint y Goron a gall arwain at erlyniad neu achosion sifil. BGBCB - LA09002L

