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40/2018/0151

Scale: 1:2500

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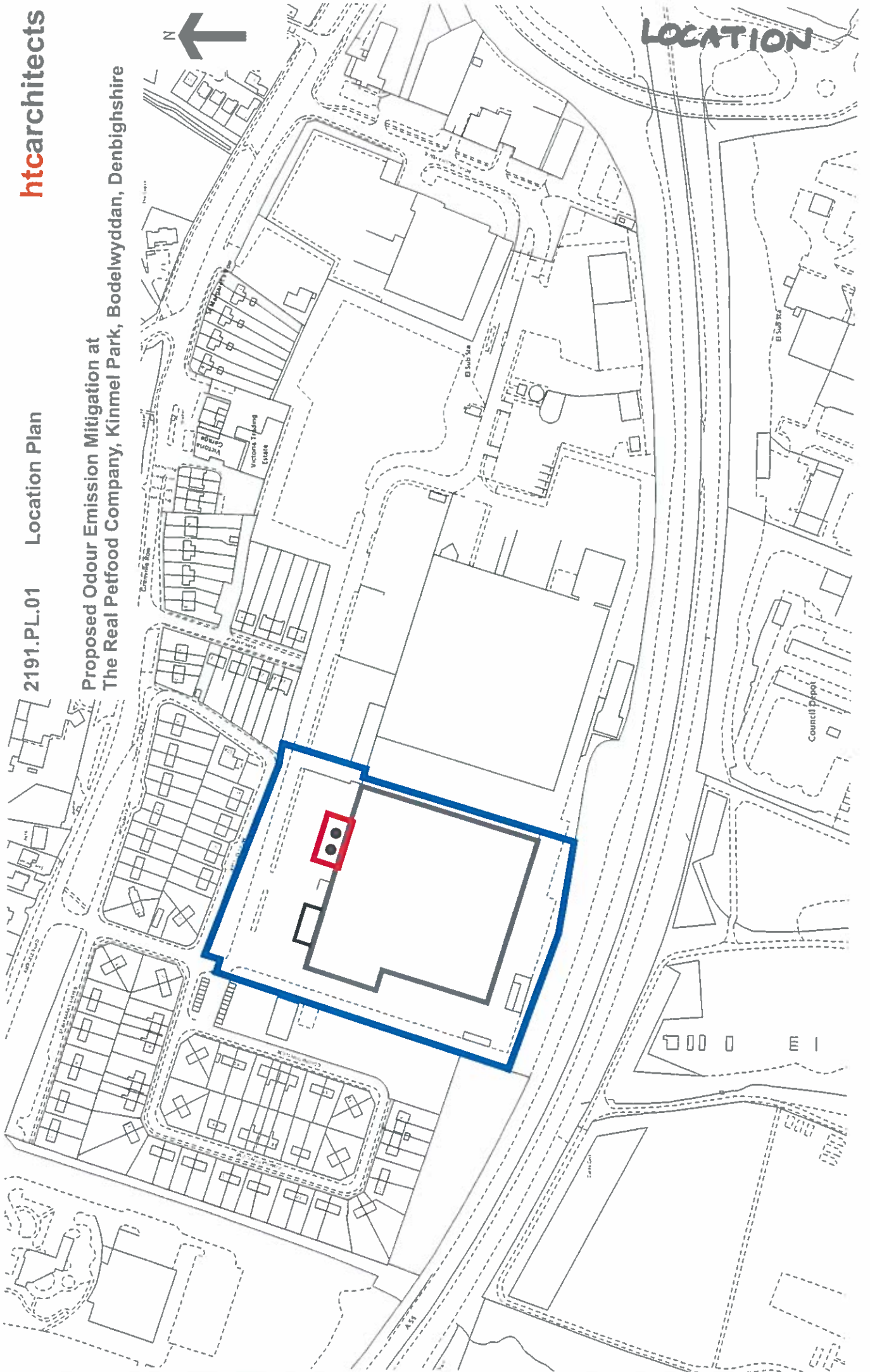


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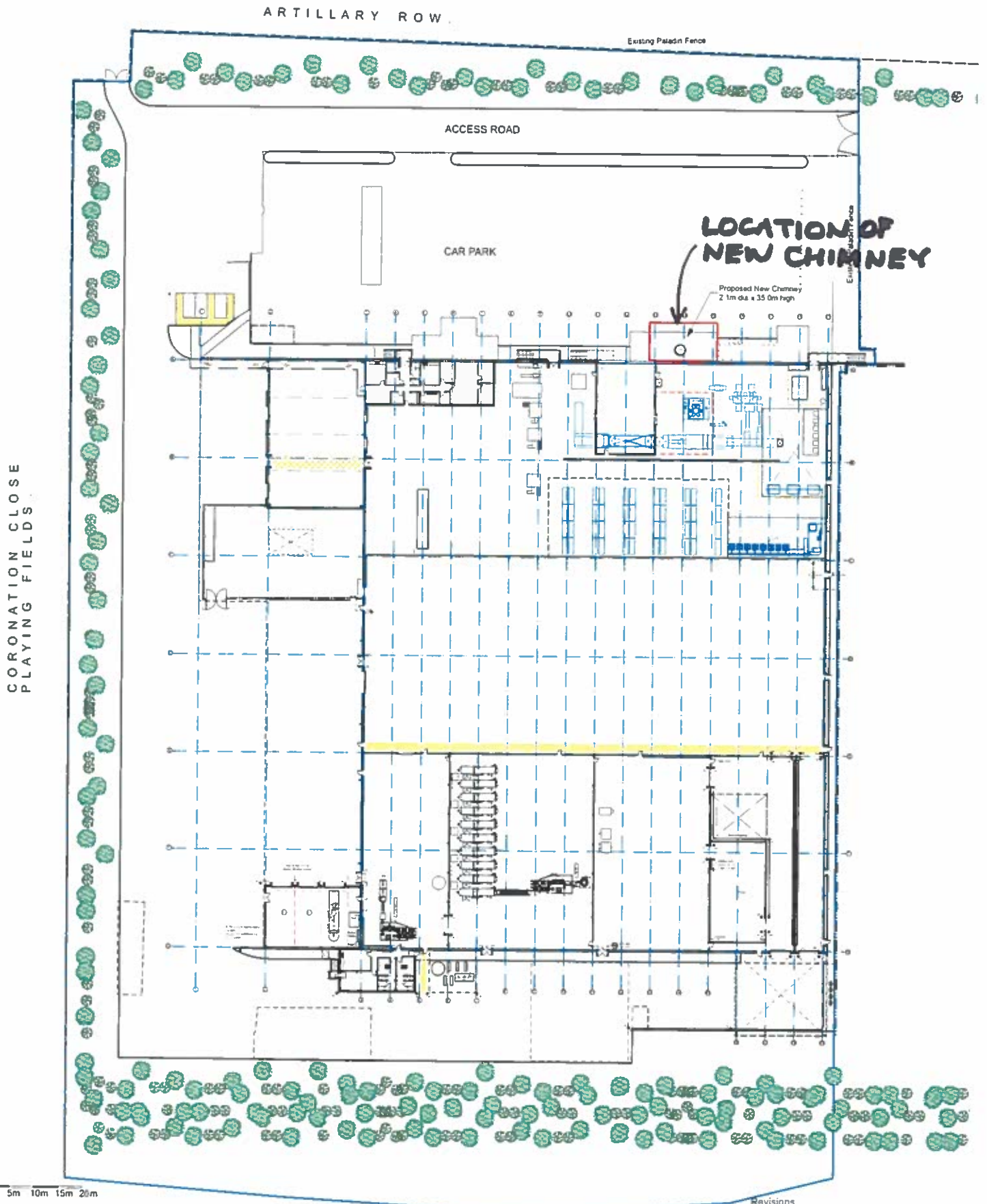
Proposed Odour Emission Mitigation at
The Real Petfood Company, Kinmel Park, Bodelwyddan, Denbighshire



LOCATION



BLOCK PLAN



0 5m 10m 15m 20m

PROPOSED CHIMNEYS
The Real Petfood Company at
Unit 2, Kinmel Park

BLOCK PLAN

Drawn by	tjc	Check and date	
Scale	1:500 @ A2	Date	Feb 18
Property no.	2191 PL 02	Project no.	A

A55 EXPRESSWAY

Revisions
A. 25.06.18 One chimney omitted. Reduced in height to 35.0m

htcarchitects

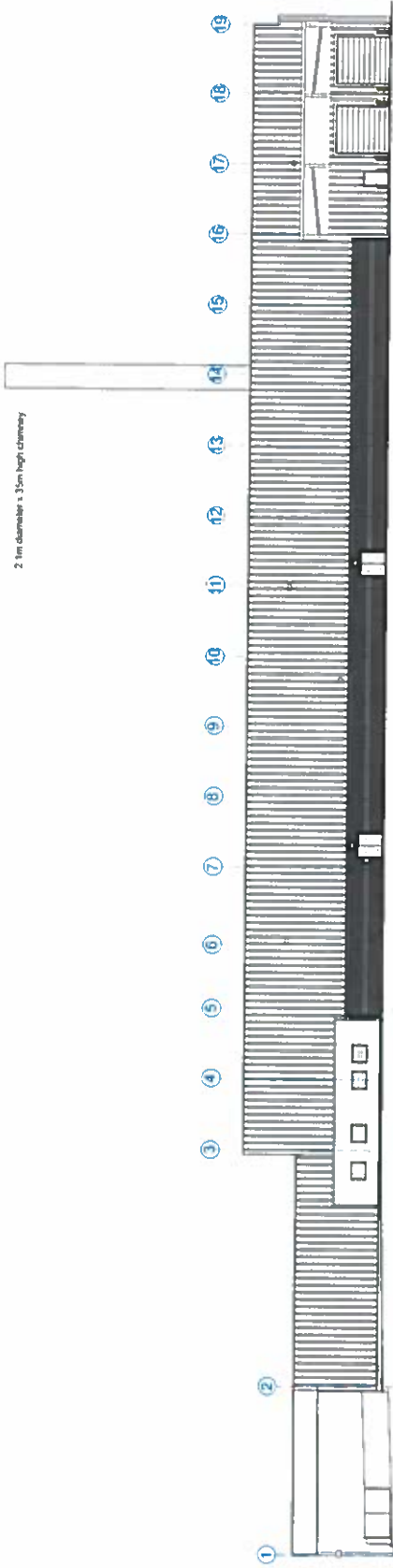
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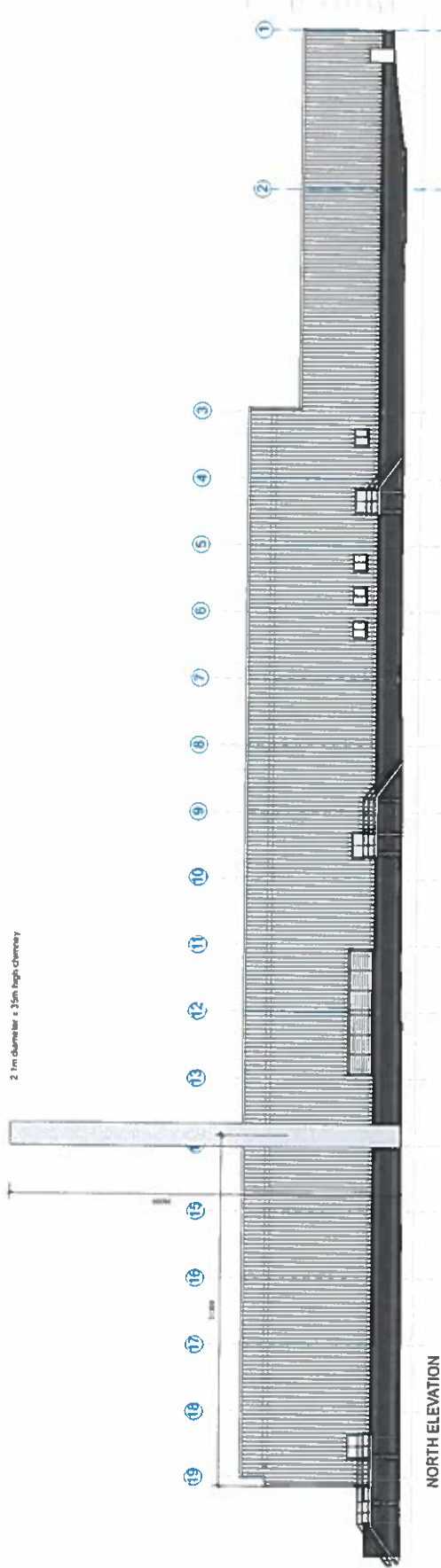
Client



ELEVATION PLANS



SOUTH ELEVATION



NORTH ELEVATION

Revisions
A. Cor. quantity, volume and length reduced to 20.0

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Prepared

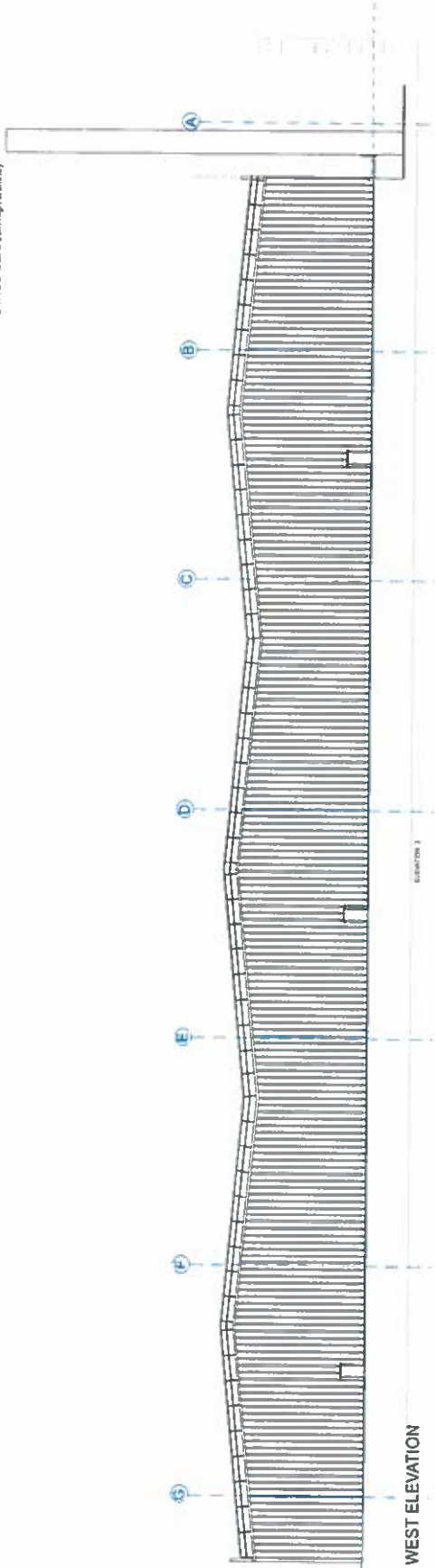
PROPOSED CHIMNEYS
The Royal Palms Company at
Phase 2, Terminal Park

NORTH and SOUTH Elevations

Scale: 1/8" = 1'-0"
Date: 1/20/2011
Drawing No.: 2181.P1_01
Sheet: A

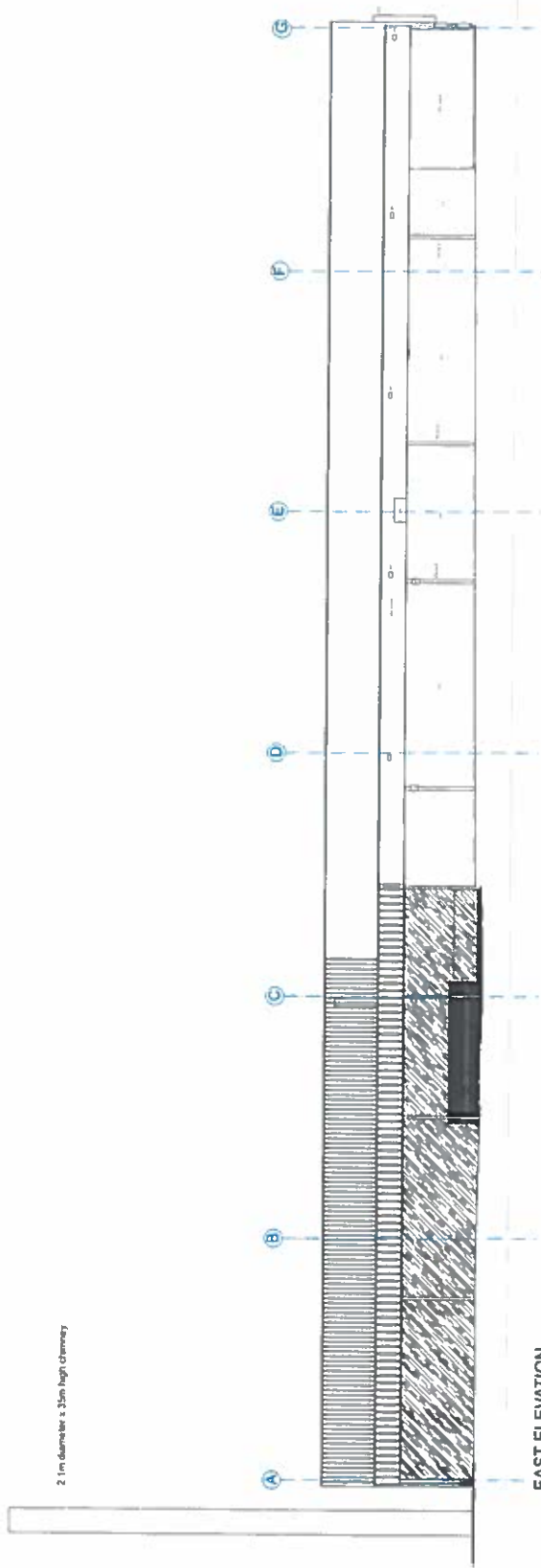
ELEVATION PLANS

2.1m diameter x 35m high chimney



WEST ELEVATION

2.1m diameter x 35m high chimney



EAST ELEVATION

Revisions
 A. One chimney exhaust height reduced to 30m

htarchitects
 The Real Pastoral Company at
 Unit 2, Formosa Park
 1. 8113 144 3417
 2. 8113 144 3417
 3. 8113 144 3417
 4. 8113 144 3417

Perforad

PROPOSED CHIMNEY'S
 The Real Pastoral Company at
 Unit 2, Formosa Park

EAST and WEST Elevations

Scale: 1:200 @ A1
 Date: Feb-2018
 Drawing No.: 2181 Pt. 04
 Sheet: A

WARD : Bodelwyddan

WARD MEMBERS: Councillor Richard Mainon

APPLICATION NO: 40/2018/0151/ PF

PROPOSAL: Erection of 1 No. freestanding 35 metre high and 2m diameter free standing chimney stack sited to the north of factory

LOCATION: The Real Petfood Company Unit 2 Royal Welch Avenue Bodelwyddan Rhyl

APPLICANT: Mr G Wheeler, The Real Petfood Company

CONSTRAINTS: Within 67m Of Trunk Road

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

BODELWYDDAN TOWN COUNCIL (response to consultation on amended scheme)

"The Town Council are objecting to this application.

The residents of Bodelwyddan should not be compelled to choose between being affected by an obnoxious smell that prevents them having full enjoyment of their property or the visual impact of a 35m Chimney to alleviate the problem.

The Town Council are objecting to this application on the following grounds:-

Visual Impact.

The 35m Chimney will detrimentally affect the residents who live nearby and those who live further away in the village and surrounding area as no matter how well disguise the chimney will be it will still be noticeable on the skyline from anywhere in Bodelwyddan.

Should planning permission be granted by Denbighshire County Council, the Town council would like the following conditions imposed on the planning permission to protect the residents of Bodelwyddan.

- i. Condition on Planning permission that the best available technique for odour removal be used by the company.*
- ii. On complaint of odour by residents of Bodelwyddan Production is stopped.*
- iii. No further factory expansion unless additional abatement systems for odour are in place first.*
- iv. The colour, size and height of chimney must follow heritage guidance.*
- v. The Visual impact of the chimney is to be mitigated and reduced by appropriate planting, where possible, by following the guidance of Countryside services team*

AIRBUS

No aerodrome safety objection.

NATIONAL AIR TRAFFIC SERVICES

No safeguarding objection to the scheme.

NATURAL RESOURCES WALES

No objection.

CADW

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the registered historic parks and gardens Bodelwyddan Castle (Grade II) and Kinmel Park (Grade II*).

A Heritage Impact Assessment has been submitted in support of this application. This work has been prepared in accordance with Welsh Government advice and concluded that the impact on the settings of the two registered historic parks and gardens will be negligible/very slight. We concur with the results of this assessment.

CLWYD POWYS ARCHAEOLOGICAL TRUST

Accept findings of the LVIA and Heritage Assessment submitted in support of the application which state that the visual impact of the development is acceptable.

WELSH GOVERNMENT DEPARTMENT FOR ECONOMY & INFRASTRUCTURE (Highways)

No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer

No objection

Pollution Control Officer Public Protection

No objection subject to conditions. As a stack of 35 metres is required to deal with existing odour emissions from the factory (including fitting abatement plant). This is evidenced in the report produced by Martin Cranfield Associates Ltd. This report concludes;

- The question then needs to be asked as to what the minimum achievable stack height can be when assessed against a fully abated option. Here a consideration of dispersion of residual odour from abatement plant needs to be considered, along with bypass options for emergencies, breakdown and other unplanned abatement plant failure conditions.
- Should abatement plant be fitted to meet the current odorous emissions, and meet the 95% high odour concentration and 85% low odour concentration emission reduction standard within the BAT guidance notes, a residual odour of approximately 15,000 ouE/m³ will need to be dispersed, (17,000ouE/m³ for likely emission in 5 years' time) and this will require a suitable stack. To avoid aerodynamic downwash the Environment Agency would normally recommend a stack 2.5 times the nearest building height (this would be approximately 28 to 32metres dependent on location.)
- Therefore it should be noted that even with abatement of all sources, a stack of similar height to that proposed by the applicant will be required to ensure odours are suitably dispersed.
- Should the applicant be able to satisfy the authority that treatment of the low odour volume sources is beyond BAT, and therefore that treatment for the high odour low volume sources combined with dispersal from a stack should be regarded as BAT for this installation, then the options become simplified:-
- A 35 metre stack dealing with the existing odour emissions (3 metres above the minimum height where all emissions are abated), or
- 5.4.2 A 40 metre stack dealing with predicted future odour emissions. (8 metres above the minimum height where all emissions are abated.)
- 5.5 The option of retrospectively adding an additional 5 metres to a 35 metre stack should also be examined.

Ecologist

No objection

Consultant Landscape Architects

Landscape Architects (Gillespie's) concluded that the proposed stack development could be accommodated without resulting in major adverse effects on landscape character or visual amenity.

RESPONSE TO PUBLICITY:

In objection

Representations received in objection from:

Nigel Burke, 12 Artillery Row, Bodelwyddan
David Winder, 4 Artillery Row, Bodelwyddan
Arfon Jones Hughes, 20 Grenville Row, Bodelwyddan
Graham Bloxsome, 4 Clos Dinas Bran, Bodelwyddan
Katie Leonard, 31 Park Avenue, Bodelwyddan
Patricia Chapman, 33 Park Avenue, Bodelwyddan
David Patel, 31 Park Avenue, Bodelwyddan
Ian & Jacqueline Smith, Gwelfryn, Bodelwyddan
James Chapman, 33, Park Avenue, Bodelwyddan
Anthony Ma, 32 Park Avenue, Bodelwyddan
Sara Hennigan, 2 Artillery Row, Bodelwyddan
Richard Mainon, 46 Ffordd Parc Castell, Bodelwyddan
Sandra & Paul Berry, 16 Artillery Row, Bodelwyddan
Jayne Davies, 19 Artillery Row, Bodelwyddan
Kirstie Jones, 1 Johns Drive, Bodelwyddan
Justin Jones, 1 Johns Drive, Bodelwyddan
Jaime Ashton, 3 Terfyn Cottages, Bodelwyddan
Mrs G Hunt, 30 Maes Stanley, Bodelwyddan
Julie Hilton, 22 Stanley Park, Bodelwyddan
Diane Whitmore, 22 Maes Stanley, Bodelwyddan
Emma Stait, 11a Maes Owen, Bodelwyddan
Jackie Storey, 6 Artillery Row, Bodelwyddan
Victoria Bannister, 12 Artillery Row, Bodelwyddan
Lee Groves, 6 Artillery Row, Bodelwyddan
Bethany Roberts, 7 Coronation Close, Bodelwyddan
Nicola Thomas, 1 Rhodfa Flint, Bodelwyddan
Moya Allen, 104 Ffordd Parc Castell, Bodelwyddan
Sharon Lock, 8 Hillcrest Court, Bodelwyddan
Claire Roberts, 26 Ceri Avenue, Prestatyn
Andrew Crabtree, 41 Clwyd Avenue, Rhuddlan
Ann & John Dickson, 5 Henrys Avenue, Bodelwyddan
Beverly Davies, 7 Maes Stanley, Bodelwyddan
Chiara Taylor, 22 Bryn Dedwydd, Bodelwyddan
Daniel Davies, 41 Maes Owen, Bodelwyddan
Darren Jones, 5 St Barbara's Avenue, Bodelwyddan
Emma De Maria, 5 St Barbara's Avenue, Bodelwyddan
Evelyn Crabtree, 41 Clwyd Avenue, Rhuddlan
Gwyn Davies, 41 Maes Owen, Bodelwyddan
Jayne Smith, 14 Clos Deganwy, Bodelwyddan
Margaret Humes, 43 Morfa View, Bodelwyddan
Mike Allen, Ajita, Abergele Road, Bodelwyddan
Sarah Roberts, 8 Artillery Row, Bodelwyddan
Susan Bunn, 90 Ffordd Parc Castell, Bodelwyddan
Debbie Davies, 41 Maes Owen, Bodelwyddan
Stacey Allen, Ajita, Abergele Rd
Barbara Davies, 9, Coronation Close, Bodelwyddan
Keiran Hennigan, 2, Artillery Row, Bodelwyddan
Pauline & Alan Cummings, 36, Maes Stanley, Bodelwyddan
Patricia Chapman, 33 Park Avenue, Bodelwyddan
Tersa Sweetman, 22 Artillery Row, Bodelwyddan
Kelly Foulkes, 17 Artillery Row, Bodelwyddan
Louise Fazackerley, 18 Grenville Row, Bodelwyddan

Michelle Davies, 7 Artillery Row, Bodelwyddan
Tony Hockridge, 55 Coronation Close, Bodelwyddan
Anthony Ma, 32 Park Avenue, Bodelwyddan
Jayne Davies, 19 Artillery Row, Bodelwyddan
Maggie Lai, 32 Park Avenue Bodelwyddan
Colin Baxter 24 Canolblas Avenue Bodelwyddan
Rick Parr, 25 Coronation Close, Bodelwyddan
Jacqueline Smith, Gwelfryn, Abergele Road, Bodelwyddan

Summary of planning based representations in objection:

Original submission was deficient in detail relating to visual impact and odour.

Principle- if stack is permitted use will continue, a pet food processing factory it is not appropriate in a village setting and so close to residential uses. Factory should be relocated to a non-residential area.

Odour- It is not clear if the stack will be sufficient to control the odour at the current levels of production.

Odour- Filtration technology should be installed within the building rather than a 35 metre stack.

Odour- Patients in the hospital can smell the odour.

Residential amenity- Residents cannot enjoy their homes and gardens owing to the odour.

Visual impact- Proposal would have a detrimental impact on the character of area.

Visual impact- Proposal would have a detrimental impact on nearby historic assets- Marble Church, Bodelwyddan Castle, Kinmel Estate.

Visual impact- Proposal would have a detrimental impact on the AONB.

Visual impact- Proposal would impact negatively of perception of the area from visitors.

Precedent- If stack is permitted further applications could come forward.

In support

Representations received in support from:

Martin Hill, Sunnybank, Bodelwyddan

Summary of planning based representations in support:

Proposed stack will be a solution to the ongoing odour problem.

EXPIRY DATE OF APPLICATION: 25/04/2018

EXTENSION OF TIME AGREED? 16th November

REASONS FOR DELAY IN DECISION (where applicable):

- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the erection of a chimney stack at the Real Petfood Factory on Royal Welch Avenue in Bodelwyddan, and is proposed for emission dispersion purposes as part of an odour abatement strategy in connection with the Pet Food production processes.
- 1.1.2 The free-standing stack would be sited adjacent to the northern elevation of the factory. This would be a 35 metre high chimney stack with a 2.1 metre diameter. The stack would extend some 25.8 metres above the roofline of the existing factory building.
- 1.1.3 The stack would be constructed of steel and would be finished with a pale grey, non-reflective coating.

- 1.1.4 Additional screening is proposed on the existing landscape bund to the north of the factory in the form of tree planting.
- 1.1.5 Members are referred to the plans at the front of the report to assist consideration of the details.
- 1.1.6 The application under consideration includes the following supporting information:
1. Planning Statement (and Addendum Factsheet prepared June 2018)
The planning statement refers to the history of the site, provides details of the operation, and advises that the proposal will result in a substantial investment being made by the Applicants to address the odour issue. The Real Pet Food Company currently employ 70 people and aspire to increase this to 100 in the near future.
 2. Odour Measurements and Mitigation Report prepared by ADAS (Feb 2018)
This report used sampling and emission measurements to provide inputs for odour dispersion modelling to be undertaken by RSK to assess the odour impact of the new production facility at Bodelwyddan, and to then use the resulting modelling outputs to identify suitable odour mitigation options. This review set out possible odour abatement and mitigation technologies to odour controls based on a technology review and additional odour modelling. It must be noted that this report was based on the original proposal with two 40 metre chimneys.
 3. Odour Dispersion Modelling Assessment prepared by ADAS (April 2018 dated 22nd June 2018)
This report outlines the method which has been used to assess the potential odour impacts and has recommended mitigation which could be implemented to reduce any identified odour effects. This report used five years meteorological data to characterise dispersion based on a larger modelled dataset. The report concluded that a single stack of 35 metres in combination with odour abatement of the over extraction air could provide a comparable level of off-site odour control to the two 40 metre stacks.
 4. Landscape and Visual Impact Assessment prepared by Smeeden Foreman (September 2018)
The LVIA identifies landscape and visual effects that are likely to result from changes arising from the proposed development, and assesses their overall significance in the context of receptor (landscape and visual) sensitivity. The LVIA established a baseline, and identified 16 viewpoints to demonstrate the extent of visibility of the proposed chimney from a range of locations within a defined study area. Mitigation referred to within the report includes additional planting along the bund surrounding the site, and control over the finish of the stack. The Landscape and Visual Impact Appraisal concludes that the proposed chimney development could be accommodated without resulting in major adverse effects on landscape character or visual amenity.
 5. Cultural Heritage Impact Assessment prepared by Mel Morris Conservation (September 2018) This details the heritage assets that are potentially affected to those within the viewpoints as follows: Bodelwyddan Castle (RPG), Bodelwyddan Castle (LB), Kinmel Park (RPG), Kinmel Hall (LB), The Church of St. Margaret - the Marble Church (LB) and Rhuddlan Castle. It concludes that the visual impact on the significance of designated assets and their settings is generally low with impacts predicted to be largely slight or negligible. The only minor impact for the parkland as a whole at Kinmel Hall is reduced to a negligible impact in terms of the setting of Kinmel Hall itself.

- 1.1.7 A separate environmental permit application is also required for the use. The Real Petfood Company has an Environmental Permit issued by Public Protection. The permit is based on statutory guidance issued by the Welsh Government, Process Guidance Note 6/24(13) Statutory guidance for pet food manufacturing. The environmental permit is responsible for controlling emissions into the atmosphere and the monitoring requirements. However it is important to make clear that the planning application process and the environmental permit applications are separate and their outcomes are independent of one another.

1.2 Description of site and surroundings

- 1.2.1 The Real Petfood Company is an established industrial use operating within one of 2 industrial units located between the A55 North Wales Expressway (to the south) and Artillery Row (to the north). The unit was created as part of the subdivision of the former Hotpoint factory, and was the subject of a planning permission in 2014.
- 1.2.2 There is a residential area to the north west of the site. A small play area and Coronation Close bound the western side of the site. Artillery Row and Park Avenue bounds the northern side and access track, as will be seen from the plans at the front of the report.
- 1.2.3 The industrial unit is located towards the southern boundary of the site and its parking area is between the building and the northern boundary. The main access road into the site is Royal Welch Avenue, off Abergele Road, which serves a number of businesses in this employment area, and runs into the site between the parking area and a long established landscaped mound within the site, running parallel with Artillery Row and Park Avenue.
- 1.2.4 The existing factory unit is a substantial building, as Members can appreciate from the plans. The rear elevation facing north towards its car park and Artillery Row is some 120m long, the majority of which is in excess of 14m in height, with a section on the north end stepping down to between 8m and 9m height.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary of Bodelwyddan and within an allocated employment site on the proposals map in the Local Development Plan.

1.4 Relevant planning history

- 1.4.1 As the historic use of the main factory building was for B2 General Industrial purposes (Hotpoint manufacturing plant) the actual use of the site by the Real Pet Food Company, as a B2 General Industrial use, did not require a change of use planning application. In 2014 a planning application was received and approved for the physical sub-division of the main factory building but this did not require an assessment of the proposed use of the building by the Real Pet Food Company.
- 1.4.2 An application was made to extend the office accommodation within the Real Pet Food part of the factory in December 2017. Members resolved to defer this application pending the resolution of complaints relating to odour. As this application proposes to address the odour issue, the office extension application is also included on the Agenda for consideration, immediately after this item.

1.5 Developments/changes since the original submission

- 1.5.1 The original application proposed the erection of two 40 metre dispersion stacks (of 1.37m diameter), with no abatement of emissions. It was envisaged that one 40 metre stack would be constructed as soon as practicable to mitigate emissions from current production, and a second 40 metre stack could be added in future to mitigate emissions from any future expansion in production.
- 1.5.2 Following the initial consultation responses, the scheme was amended. The revised scheme is designed to address odour issues and is based on an abatement system,

fitted on the oven steam exhaust flues, comprising quenching, scrubbing and finally carbon filtering followed finally by a dispersion of all residual odours via the 35 metre chimney.

- 1.5.3 Additional information has been sought to address concerns raised through the process. The additional information has included an Updated Odour Assessment, Landscape and Visual Assessment and a Heritage Impact Assessment.

1.6 Other relevant background information

1.6.1 The Real Pet Food Factory have occupied the site since April 2017. The company moved to the site from Flint where they occupied a smaller factory. The company produce a range of pet food snacks and treats, specialising in baked semi moist treats and premium biscuit products.

1.6.2 The company became aware of complaints received regarding odour at the site via the Councils Public Protection Officers in May 2017. Following this the company commenced odour monitoring and modelling to ascertain how the problem could be addressed. Over the proceeding months the decision was taken to submit the planning application for the two 40 metre stacks in February 2018. The report details how the application changed from the two stacks to the single 35 metre scheme.

2. DETAILS OF PLANNING HISTORY:

2.1 40/2017/1133 Erection of extension to existing factory to provide additional office accommodation. Under consideration.

2.2 40/2014/0666 Part demolition and refurbishment of existing industrial unit to create two separate employment units. Granted under delegated powers 22/07/2014

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy PSE2 – Land for employment uses

Policy PSE3 – Protection of employment land and buildings

Policy VOE 1- Key areas of importance

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

3.3 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (PPW section 3.1.3). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (DMM section 9.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity/Odour
- 4.1.4 Ecology

4.2 In relation to the main planning considerations:

4.2.1 Principle

The application involves development at an established industrial unit on an allocated employment site within the development boundary of Bodelwyddan as identified in the adopted Local Development Plan.

The policy in the Local Development Plan which is relevant to the principle of employment development is Policy PSE 2. This policy relates to employment sites on the LDP proposal maps and supports employment development in use classes B1, B2 and B8. The policy reflects one of the LDP's key objectives to provide employment opportunities within the County.

The principle of development in support / expansion of employment uses is in accord with the LDP and the approach to development in Planning Policy Wales, supporting sustainable economic development.

It is relevant to record that the building is being lawfully operated as a B2 industrial use. Hence in respecting the comments of the Community Council and objectors, the suitability of this use within the building for the production of pet food is not for consideration as part of this application.

The applicants are arguing the stack is required to facilitate the continued operation of the use. The planning issues to address in this instance are considered to be the localised impacts of the 35 metre high chimney stack and are reviewed in the following sections of the report.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context. Policy VOE 1 applies to Key Areas of Importance and requires development proposals to maintain and, wherever possible, enhance these areas for their characteristics, local distinctiveness, and value to local communities in Denbighshire, including local areas designated or identified because of their natural landscape or biodiversity value. Key Areas of Importance are stated in the policy as statutory designated sites for nature conservation, areas designated or identified because of their natural landscape or biodiversity value; sites of built heritage; and Historic Landscape, Parks and Gardens.

There are representations raising concerns over the landscape and visual impact of the proposal from Bodelwyddan Town Council and neighbours. These raise concerns over the impact on historic assets, the Marble church and Bodelwyddan conservation area, the local skyline and residential properties.

CPAT and CADW who originally expressed concerns over the detailing of the application and supporting documents have withdrawn their objections to the scheme and consider the supporting documents adequate.

The application is accompanied by a detailed Landscape and Visual Assessment and Heritage Impact Assessment. The Council engaged Consultants, Gillespies, to review this document and offer conclusions on the visual impact issues. Both reports produced recognise the statutory and non-statutory designations of Bodelwyddan village and Conservation Area including the Grade II* listed St Margaret's Church, Bodelwyddan Castle and Historic Park and Garden and the Scheduled Monument, Kinmel Park and Hall and Kinmel Park and Historic Garden, Rhuddlan Scheduled Ancient Monument and the Grade I listed Rhuddlan Castle and provide an appraisal of impacts. The wider study area for the landscape appraisal also encompassed land northeast of Abergele, St George and the Cefn Meiriadog, and across the coastal plain to Kinmel Bay and Rhyl, and to Dyserth and Meliden on the edge of the Clwydian Range and Dee Valley AONB. Sixteen individual important viewpoints were identified to consider the proposal from. The LVIA and Gillespie's report concluded that the proposed stack development could be accommodated without resulting in major adverse effects on landscape character or visual amenity.

Officers have assessed the information in the application, the representations on the issue and the characteristics of the area have been observed from site inspection. Having regard to the basis of the responses, the conclusions of CPAT, CADW and the Council's Landscape Consultants are considered to be of some significance in the formulation of the Officer recommendation. It is not suggested in any of the consultation responses that the stack will have no landscape and visual impacts, but what is in question is whether the development would have a significantly harmful effect to justify refusal of permission. In Officers opinion, on the basis of the consultation responses and the considerations above, it is not concluded that the extent of changes are of such magnitude to merit a negative recommendation.

4.2.3 Residential Amenity/ Odour

Local Development Plan Policy RD 1 test vi) requires that development does not unacceptably affect the amenity of local residents, other land and property users or characteristics of the locality by virtue of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution etc., and provides satisfactory amenity standards itself.

PPW Chapter 13.12.1 '*The potential for pollution affecting the use of land will be a material consideration in deciding whether to grant planning permission.*' The impact upon health and amenity and pollution upon the surrounding environment are therefore material considerations regarding this planning application.

There are representations from neighbours raising concerns over odour, and the adequacy of the proposal to deal with the odour from the use. The Town Council suggest best available technology be used to control odour.

In terms of residential amenity considerations, the fundamental issue is the acceptability of the proposals for the management of odour from the site, as the stack is proposed as a means of mitigating smells arising from the pet food production process.

In considering this application, the Public Protection Officers have reviewed the submissions in relation to odour issues. They have engaged the services of a Specialist Odour Consultant to assess the submitted documentation and to provide advice on the appropriateness of the abatement technology and the stack detail proposed.

The Consultant's detailed review provides a thorough appraisal of the issues relevant to assessment of odour and provides a clear recommendation that there is no reason to refuse permission on grounds of odour, provided that a condition is imposed as stipulated by the Public Protection Officer to cover the precise specification of the stack and abatement proposed.

Hence in fully respecting the basis of local concerns, having due regard to the detailed responses from specialist consultees Officers' conclusion is that the proposals offer an acceptable technical solution to an acknowledged residential amenity problem in the locality.

4.2.4 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG Conservation and Enhancement of Biodiversity, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

The Council's Ecologist has been consulted on the application and has raised no objection to the scheme.

Given the existing nature of the site, and the detailing of the proposal, it is considered unlikely to result in a detrimental impact on ecological interests.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The application proposes a new chimney stack as part of a scheme to address an ongoing odour issue arising from the pet food production process at an established factory unit. This is a matter which has concerned local residents for a considerable period of time.
- 5.2 There are local concerns over the potential impact of the development, in particular on the setting of the Marble Church, the Castle, and the conservation area.
- 5.3 The main land use planning issues relating to the proposal are considered to be the visual impact of the stack and the residential amenity impacts concerning the odour issues.
- 5.4 Advice from Specialist consultees suggests a 35 metre stack at the factory unit will have some landscape and visual impacts, but the significance of these has to be weighed against

the benefits of the proposed stack in terms of alleviating odour issues on the site, and the continued operation of an established business.

5.5 In Officers' opinion, the application does not raise significant policy concerns, and on the basis of the technical responses on the landscape / visual and odour considerations, it is recommended permission should be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 14th November 2023
2. The development hereby permitted shall be carried out in accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Odour Sampling and Analysis - Received 25 June 2018
 - (ii) Planning Statement (Drawing No. 2191/DAS) - Received 16 February 2018
 - (iii) Visual Impact Assessment (Drawing No. Rev 3) - Received 28 September 2018
 - (iv) Block Plan (Drawing No. 2191.PL.02A) - Received 25 June 2018
 - (v) North and South Elevations (Drawing No. 2191.PL.03A) - Received 25 June 2018
 - (vi) East and West Elevations (Drawing No. 2191.PL.04A) - Received 25 June 2018
 - (vii) Location Plan - Received 16 February 2018
 - (viii) Supporting Statement - Received 25 June 2018
 - (ix) Heritage Impact Assessment - Received 28 September 2018
3. Prior to commencement of development, full details of the specification of the exhaust stack (including cowl design and minimum efflux velocity of the odours exiting the stack) and all abatement plant shall be submitted to and approved in writing by the Local Planning Authority. The termination of the duct must not be fitted with any plate, cap, cowl or similar device. A cone may be fitted at the termination to increase efflux velocity. The minimum efflux velocity of emissions exiting the stack shall be 15m/s. All flues must discharge vertically upwards. The development shall be implemented and maintained in accordance with the approved details.
4. Notwithstanding the approved plans and details the precise colour of the stack shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved details.
5. Full details of the landscape enhancement on the north and west boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping details shall include a planting plans, timing schedule and maintenance programme. The landscaping shall be completed in the first planting season following the implementation of the planning permission.
6. All planting comprised in the approved details of landscaping shall be completed strictly in accordance with the timescale set out therein. Any trees or plants which within a period of 5 years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or of the area.
4. In the interests of visual amenity.
5. In the interests of visual amenity.
6. In the interests of visual amenity.