

**DC/2017/00376**

**OUTLINE PLANNING CONSENT FOR AN ENERGY CENTRE IN THE FORM OF A GAS-POWERED COMBINED HEAT AND POWER (CHP) PLANT, PROVIDING UP TO 4MW OF ELECTRICAL POWER**

**VALLEY ENTERPRISE PARK, HADNOCK ROAD, MONMOUTH, NP25 3NQ**

**RECOMMENDATION: APPROVE**

Case Officer: Craig O'Connor

Date Registered: 24/08/2017

**1.0 APPLICATION DETAILS**

- 1.1 The site is located to the west of Monmouth town centre and forms part of Hadnock Road Industrial Estate. The existing use of the site is for general industry (Use Class B2) although the site has been vacant for over eight years. The vehicular access to the site is off Hadnock Road which connects to the A4136 which is to the south of the site. The site is enclosed by the River Wye to the west and there is a mix of different uses on the surrounding sites including residential, industrial, offices and educational uses. The site lies within the Monmouth town development boundary and is allocated as a Protected Employment Site under Policy SAE2 of the Local Development Plan (LDP). The site lies entirely within Flood Zone C2 (unprotected floodplain).
- 1.2 This application seeks outline consent for the principle of constructing an energy centre with all matters reserved for future consideration. The appearance, landscaping, layout and access would all be reserved matters for consideration at a later date if this outline application was to be approved. The energy centre was previously considered as an ancillary part of a much larger form of development under application DC/2015/01431 for a hotel and spa facility at the site. The submitted layout plans outline that the proposed energy centre would be sited in the northern part of the wider industrial estate. The proposed energy centre would accommodate a combined heat and power (CHP) generator that would provide energy for the neighbouring school and other local businesses and also create energy to go back into the grid. It could provide up to 4MW of electrical power with excess power being fed into the local grid connection. Details of the resultant energy centre have been submitted within the application and the proposed building would measure approximately 300sq metres. It would be between 7m and 10m in height, with a finished floor level of 21.05m AOD. The plant would also include a flue the height of which would depend on further assessment, although at the most the flue would be 21m high (11m higher than the building) with a diameter of 840mm. Details of how the CHP plant generates energy has been submitted within the application.

**2.0 RELEVANT PLANNING HISTORY**

DC/2015/01431 Demolition of existing industrial sheds and the erection of 60 no. bedroom hotel, 6 no. two bed serviced hotel apartments, 3,700 sq. m destination spa, ancillary mixed use development (up to 3,000 sq. m), energy centre, landscaping, car parking and other ancillary development; also reserved matters for access approval. The application was resolved to be approved by Committee, but was subsequently called in my Welsh Government and refused.

DC/2014/00676 Partial change of use from B2 to sui generis and the associated equipment for standby, top up or reserve energy generation. Withdrawn 22/3/2016.

DC/2012/00052 Application for partial change of use from B2 to Sui Generis and the associated equipment for standby top up or reserve generation - Withdrawn April 2014

DC/2011/00142 Use of site for biomass recycling centre - Approved April 2011

DC/2010/00658 Change of use of an existing factory/warehouse building and the addition of an exhaust vent stack to accommodate a renewable energy generation facility - Refused February 2002

DC/2007/00613 Change of use - timber yard to cycle hire; placement of two storage containers - Permitted development February 2008

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### Strategic Policies

- S8 Enterprise and economy
- S12 Efficient Resource Use and Flood Risk
- S13 Landscape, Green Infrastructure and the Natural Environment
- S16 Transport
- S17 Place making and design

#### Development Management Policies

- EP1 Amenity and Environmental Protection
- DES1 General Design Considerations
- SAE2 Protected Employment Sites
- E1 Protection of existing Employment Land
- SD3 Flood risk
- NE1 Nature Conservation and development
- LC4 Wye Valley Area of Outstanding Natural beauty
- LC5 Protection and enhancement of landscape character
- MV1 Proposed development and highways considerations
- SD2 Sustainable construction and energy efficiency

### **4.0 REPRESENTATIONS**

#### 4.1 Consultations Replies

Monmouth Town Council – Recommends refusal:

- The application does not meet environmental claim of efficiency.
- The output is disproportionate.
- The Hotel and spa have been refused, the Committee have concerns as to why this application is still going forward.
- No employment benefit to the Town.

Natural Resources Wales – No objections to the proposals subject to the suggested condition.

MCC Environmental Health Officer – No objections to the proposals subject to the suggested conditions and informative.

Cadw – considers that the proposed development will have no impact on the designated historic assets outlined within their correspondence.

Dwr Cymru-Welsh Water – No significant concerns with the development and have no objection to the positive determination of the application.

Glamorgan Gwent Archaeological Trust – There is an archaeological constraint however no objection to the positive determination of the application subject to the suggested conditions and informative.

#### 4.2 Neighbour Notification

There have been four letters of objection and concerns with the application:

The letters of objection have outlined the following:

- What will happen with the rest of the site?
- If the site remains a hardstanding area how will this affect the flooding implications of the site?
- What affect will the emissions have on air quality?
- The previous application was acceptable as it included the hotel and spa; there are concerns over just an energy centre being constructed at the site based on noise and pollution.
- Concerns over the need for the CHP and its size and whether additional plant would be required in the future.
- The CHP would generate noise and harmful emissions.

### 5.0 **EVALUATION**

#### 5.1 Flooding

5.1.1 The principle of siting this development in this location is considered to be acceptable. The proposed energy centre is a less vulnerable form of development as categorised by Technical Advice Note 15 (TAN15) 'Development & Flood Risk'. The site lies within flood zone C2. The proposal, however, is materially different from the previous application DC/2015/01431 at the site for a hotel and spa facility as that application provided overnight accommodation that is considered to be a highly vulnerable form of development. TAN15 clearly distinguishes that less vulnerable forms of development can be permitted in flood zone C2 areas subject to the development meeting the justification tests outlined within section 6.0 of TAN15. In this instance, it is considered that the proposed energy centre would meet the justification tests and the siting of this type of development at this location would be acceptable. The development would regenerate the immediate site which is currently dilapidated and unused. The development would generate a limited amount of employment to help sustain the area. The site is on previously developed industrial land and the potential consequences of a flooding event for this particular type of development can be reasonably managed. Natural Resources Wales (NRW) have reviewed the submitted Flood Consequences Assessment (FCA) and are satisfied that subject to the proposed condition relating to finished floor levels the consequences of flooding are acceptable. NRW have outlined the following:

"The FCA states that the building level will be set at a minimum of 21m AOD, therefore the building will be designed to be flood free during the 0.1% flood event. Although the FCA has not specifically assessed the 1% plus climate change allowance (25%) design

event, we consider the proposed development meets the criteria set out in paragraph A1.14 of TAN15. The FCA describes that the building will be on a lattice structure, and therefore suggests an assessment of potential increases of flooding elsewhere post development is not required. We normally recommend avoiding the use of silts/voids as flood risk mitigation measures, however, in this instance we have no objection.”

5.1.2 On balance siting the proposed less vulnerable form of development in this location is considered to be acceptable subject to the suggested condition by NRW in relation to the finished floor levels.

5.1.3 Policy SD3 of the Local Development Plan (LDP) outlines that less vulnerable forms of development will be permitted in defined settlements subject to the criteria outlined within the policy. The proposed development can be protected by existing flood protection measures and would not result in flooding elsewhere. The proposal can be sympathetically assimilated into the existing industrial estate and would be an appropriate use for the site. The development would not interfere with the ability of emergency services and other bodies to act on any flooding issues. On balance siting the proposed less vulnerable form of development in this location is considered to be acceptable and would be in accordance with TAN 15 and Policies S12 and SD3 of the Monmouthshire LDP.

## 5.2 Protection of existing employment land

5.2.1 The existing site is a protected employment site and Policies SAE2 and Policy E1 aim to protect these sites and retain them for industrial and business use to maintain employment opportunities for the locality. Policy E1 of the LDP outlines the following: Proposals that will result in the loss of existing or allocated industrial and business sites or premises (classes B1, B2 and B8 of the Town and Country Planning Use Class Order 1987) to other uses will only be permitted if:

- a) the site or premises is no longer suitable or well-located for employment use;
- b) a sufficient quantity and variety of industrial sites or premises is available and can be brought forward to meet the employment needs of the County and the local area;
- c) there is no viable industrial or business employment use for the site or premises;
- d) there would be substantial amenity benefits in allowing alternative forms of development at the site or premises;
- e) the loss of the site would not be prejudicial to the aim of creating a balanced local economy, especially the provision of manufacturing jobs.

5.2.2 The proposed development would result in the loss of a small proportion of the larger industrial site, but this is considered to be acceptable given the type of development that is proposed. An industrial estate is considered to be an appropriate location for the proposed energy centre. The existing site has been vacant for over eight years and has fallen into poor condition. As outlined within the evaluation of the previous application at the site DC/2015/01431 it can certainly be argued that the overall Hadnock Road Industrial Estate site is no longer suitable for many employment uses. Criterion b) of Policy E1 of the LDP outlines the need for the County and the Monmouth area to have a sufficient amount of industrial land available for employment requirements. The proposed development only relates to a small area of the allocated industrial land and the Monmouth area would still be served by a sufficient amount of employment land to meet the needs of the area. The proposal is considered to be in accordance with criteria b) and c) of Policy E1 of the LDP.

5.2.2 The proposed development would create a limited amount of employment; however it would enhance the site and benefit local businesses as it would generate energy. Given that the development would only occupy a small proportion of the industrial site

and it would meet the criteria of the policy the development would be in accordance with Policy E1 of the LDP.

### 5.3 Design, Scale and layout of development

- 5.5.1 The proposed energy centre building would be a maximum of 10m high although it would also have an external flue that at most (depending on health considerations) could be up to 21m in height (11m above the highest part of the building). Given that the proposed flue would be situated in an area characterised by industrial buildings to the north and would be sited on lower land with the land rising to the east and screened by existing trees, its visual impact is considered to be acceptable. The design of the proposed buildings would be considered in more detail within a reserved matters application if consent were to be granted. At this stage though, the proposed scale parameters of the building are considered acceptable and the development would not have an adverse impact on the wider area and would be in accordance with Policies DES1, EP1 and LC4 of the LDP.

### 5.4 Energy Centre

- 5.4.1 The proposed energy centre would provide power and heat to the local school and local businesses and could provide surplus power into the local grid network via the substation adjacent to Hadnock Road. The principle of constructing the combined heat and power (CHP) system is considered to be acceptable and this type of power generation is widely supported by the Government as a way to reducing overall carbon emissions. The Council's Environmental Health Officer has not objected to the principle of the proposed energy centre and is reviewing the exact details of the levels of emissions and impact on human health and the environment. There have been concerns raised regarding the energy centre outlining that it would be excessive in scale and would create additional emissions in the area. The scale of the energy centre is considered acceptable in this context on a wider employment site. The proposed building would not be visually intrusive given that it would be sited within an industrial estate and this type of utilitarian structure would be appropriate for the area. The proposed energy centre would provide a form of sustainable energy production and subject to the appropriate measures being taken it would not have a detrimental impact on air quality or result in unacceptable levels of noise. Subject to such measures that would be agreed with Council's Environmental Health Officer (EHO) this aspect of the development would not have an unacceptable impact on the amenity of any other party, human health or harm the environment so as to warrant refusing the application. The applicants have outlined that the building would have to be well designed and not generate an unacceptable level of noise, smells or other emissions. In conclusion, the Council's EHO is satisfied that the principle of this element is acceptable and emissions can be adequately controlled, subject to the submission of additional detail.
- 5.4.2 Within the Planning Inspector's decision letter for DC/2015/01431 the Inspector did not raise any environmental health concerns regarding the proposed energy centre and considered that providing that the applicants meet the legislative requirements it would be acceptable and not harm any party's amenity. The Planning Inspector outlined the following:

"The proposed Energy Centre (Document 27) element of the proposals and any potential impacts in terms of environmental health are addressed in the submitted Air Quality Assessment (Document 28). It confirms that, with the implementation of the recommended stack height, the centre would comply with UK national air quality objectives/ EU limit values in Monmouthshire and that no risk to health will result from the future operation of the Energy Centre".

## 5.5 Response to objections

- 5.5.1 The application relates to the construction of an energy centre that was previously recommended for approval as part of a larger hotel and spa facility development. This application is a separate application for a standalone energy centre. Given that the hotel and spa application (DC/2015/01431) was refused the applicant is currently reviewing options for the site. There is no current application for a larger development for the Local Planning Authority to consider and this application should thus be reviewed in isolation. The hardstanding on the site would be retained and therefore the existing flooding concerns would not change. This application relates to the small proportion of the overall site only and does not relate to the hardstanding located within the larger site. The Council's Environmental Health Officer is satisfied that the development would not have an adverse impact on any party's health and the air quality providing that the proposed energy centre meets the regulatory requirements. There are concerns about additional plant being constructed at the site but any further applications for such development would be considered on their own merits. If further application were submitted the cumulative impact of the developments would have to be considered.

## 5.8 Well-Being of Future Generations (Wales) Act 2015

- 5.8.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## 5.9 Conclusion

- 5.9.1 The proposed energy centre was previously approved as part of the larger development at the site under application DC/2015/01431 and there are not considered to be any overriding reasons why an application for a solitary energy centre would be unacceptable. The proposed energy centre is a less vulnerable form of development that is appropriate within a flood zone provided risks can be managed acceptably and subject to the suggested condition from NRW. The environmental impacts of the development can be managed to ensure that the development does not have an unacceptable impact on any party's amenity. The proposed development would not have an adverse impact on the visual appearance of the industrial estate and would be an appropriate form of development for this site. The proposed development is considered to be in accordance with the relevant policies in the LDP.

## **6.0 RECOMMENDATION: APPROVE**

### Reason

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

b) The development hereby approved must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990

3. No part of the development hereby permitted shall commence until:
- a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
  - b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011, containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
  - c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.  
No part of the development hereby permitted shall be occupied until:
  - d) Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
  - e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

4. Prior to the commencement of development the exact details of the air, smells and noise emissions from the energy centre and how the proposals will mitigate these emissions to ensure that the development meets the required regulations shall be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of human health.

5. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

6. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) dated 7 August 2017 v1 and the following mitigation measures detailed within table 11 of the FCA:

- Concrete slab soffit level is set no lower than 20.71 metres above Ordnance Datum (AOD) (Newlyn)

- Internal building flood level is set at lower than 21.0 metres above Ordnance Datum (AOD) (Newlyn).

Reason: To protect the building from a potential flooding event.