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46/2015/0984/PF

Scale: 1:1250

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# PROPOSED ELEVATIONS

REVISIONS  
1 ALL MATERIALS AND FINISHES TO BE CONFIRMED.  
MARRAS ETC.

No.	Description	Date



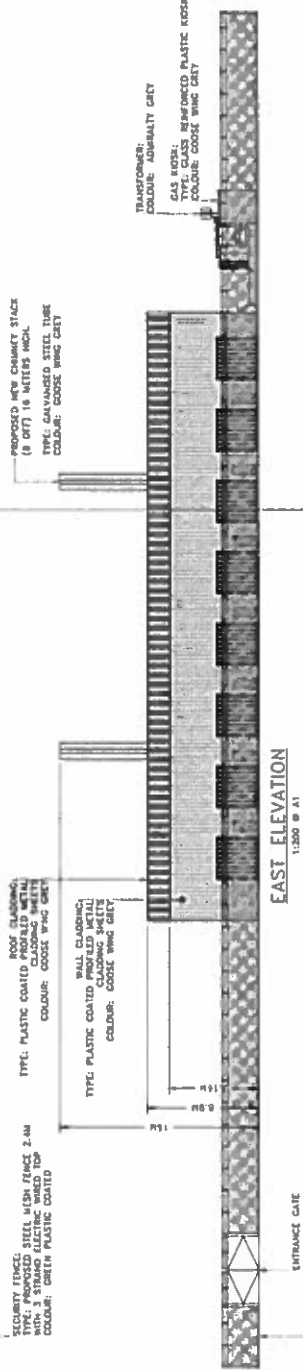
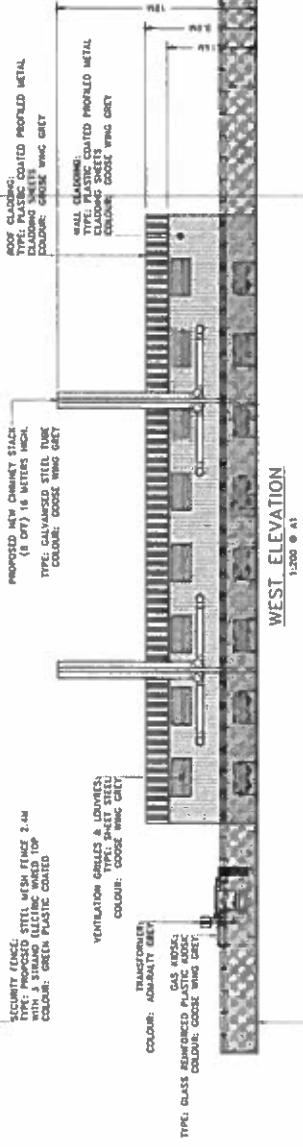
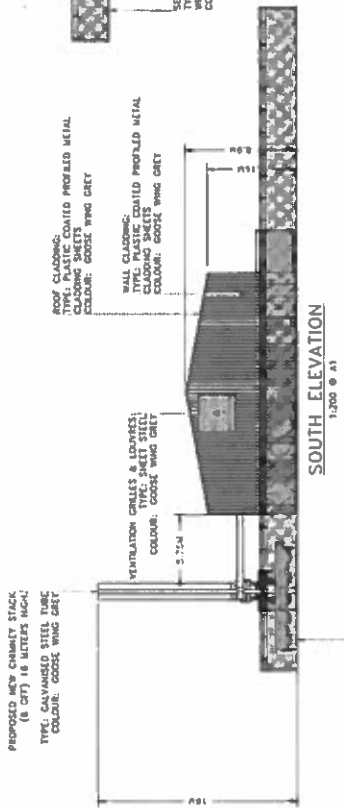
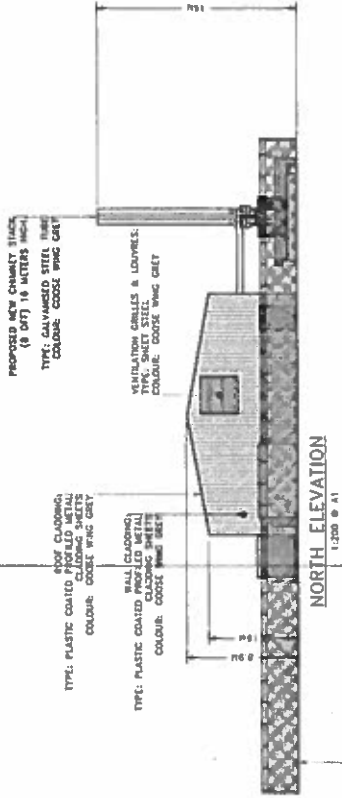
ST ASAPH POWER LTD

ST 1/200  
11 MAY 2017 09:47  
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ST ASAPH

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## SITE ELEVATIONS 1:200 @ A1



ENTRANCE GATE



**WARD :** St Asaph West

**WARD MEMBER(S):** Cllr Bill Cowie (c)

**APPLICATION NO:** 46/2015/0984/PF

**PROPOSAL:** Construction of 16MW power generating plant building including ancillary equipment and new access

**LOCATION:** Land off Cwttir Lane St Asaph

**APPLICANT:** Mr Peter Trussler St Asaph Power Ltd

**CONSTRAINTS:**

**PUBLICITY** Site Notice – Yes

**UNDERTAKEN:** Press Notice – No

Neighbour letters - Yes

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

- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**ST ASAPH CITY COUNCIL:**

"A site visit had taken place in regard to Application Ref: 46/2015/0984. There were two points of concern; noise impact and the hydro carbon burning facility. Cllr Mitchell proposed that these two issues were the basis for a refusal of the application"

**NATURAL RESOURCES WALES:**

- Protected Species/Biodiversity: No objection subject to conditions to consider and address the protected species issues.
- Floodrisk: No objection
- Surface Water: No objection
- Air Quality: No objection

**WALES AND WEST UTILITIES:**

No objection, draw applicant's attention to utilities apparatus in the area.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

Highways Officer

No objections subject to conditions relating to the detailing of the access.

**POLLUTION CONTROL OFFICER**

No objection subject to conditions relating to noise management.

**RESPONSE TO PUBLICITY:** None.

**EXPIRY DATE OF APPLICATION:** 02/12/15

**REASONS FOR DELAY IN DECISION:**

- Additional information required.

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

## 1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the construction of a 16MW power generating plant building, ancillary equipment and an access off Cwttir Lane on part of the former Pilkington's Glass factory site off Glascoed Road in St Asaph. The site is partially located on the site of the former Pilkington's gas compound.
- 1.1.2 The proposal would accommodate a STOR facility, also known as a 'peaking plant'. The plant would provide short term reserve power fuelled by natural gas and is intended to support the National Grid during periods of high demand or when intermittent renewable energy generating plants fail to deliver as expected. It would therefore run on an intermittent basis, typically operating for 60-90 minutes every 2-3 days.
- 1.1.3 The development comprises of an industrial style steel framed portal building measuring 48.5m by 19.8m, it would have an overall height of 8.9m. The building would house the generators that will operate on natural gas. The combustion driven engines will be contained in a purpose built acoustic enclosure built on anti-vibration mounts. There would be 8 vertical flues on the building which would extend 7 metres above the building height. There would also be engine cooling radiators also attached to the external façade of the building via pipework. Externally there would be a gas kiosk, a transformer and the site would be surrounded by palisade fencing.
- 1.1.4 The proposed access would be off Cwttir Lane. It is partially splayed to an entrance with security gates. There would be four parking spaces on site. The plans show the established landscaping along the eastern boundary of the site to be retained.
- 1.1.5 The application submission includes a Design and Access Statement, Planning Statement, a Noise Assessment, Air Quality Assessment, Contamination Assessment, Flood Consequences Assessment and Ecological Assessment.

## 1.2 Description of site and surroundings

- 1.2.1 The site is located off Cwttir Lane, which is an access road off the northern side of Glascoed Road on the eastern approach to the Business Park.
- 1.2.2 The site is currently vacant, having formally been occupied by the Pilkington's Glass Factory and an ancillary gas valve compound.
- 1.2.3 The factory closed in 2008 and was demolished in 2009.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the Policy PSE 2 St Asaph Business Park allocation within the Local Development Plan.

## 1.4 Relevant planning history

- 1.4.1 There is no recent relevant planning history on the site.
- 1.4.2 An application relating to the access arrangements to the remainder of the site was considered at Planning Committee on the 20<sup>th</sup> January 2016 and granted consent.

## 1.5 Developments/changes since the original submission

- 1.5.1 Additional information was sought by NRW and the Councils Pollution Control Officer to cover details relating to flood risk, air quality, biodiversity and noise.

## 1.6 Other relevant background information

- 1.6.1 None

## 2. **DETAILS OF PLANNING HISTORY:**

- 2.1 None of particular relevance to the STOR application.



### 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:  
Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)  
Policy PSE 2 - Land for Employment Uses  
Policy VOE5 – Conservation of natural resources  
Policy ASA 1 – New transport infrastructure  
Policy ASA 3 – Parking standards

#### 3.1 Government Policy / Guidance

Planning Policy Wales Edition 8, January 2016.

TAN 5 - Nature Conservation and Planning  
TAN 18 – Transport

Wales: A Low Carbon Transition, March 2012  
The National Policy Statement for Energy, July 2011

### 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, 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' (Section 3.1.2). 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., and that these 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 (Sections 3.1.3 and 3.1.4).

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 Residential amenity
- 4.1.3 Highway Safety
- 4.1.4 Biodiversity
- 4.1.5 Drainage and Flooding

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

The site is located within the allocated St Asaph Business Park, a PSE 2 allocation within the Local Development Plan. Land and premises at the St Asaph Business Park is safeguarded and allocated as high quality employment land where proposals B1 and B2 General Industrial and waste management facilities within the area designated for B1 and B2 uses on the proposals map. The National Policy Statement for Energy, July 2011, supports development of this nature as it helps provide vital flexibility to support an increasing amount of low carbon generation and to maintain security of supply. Wales: A Low Carbon Transition, March 2012, also supports this type of development, recognising that gas will be a key transitional fuel since greenhouse gas emissions are significantly less than coal.

The application proposes a sui generis use on a 0.45ha site. There would be 4 employees on the site, working primarily remotely on a shift basis.

Whilst the proposal would not strictly conform to the uses listed in the Policy PSE 2 allocation it is the opinion of officers that permitting the proposal would not undermine

the policy. The combination of the existence of the former gas compound on part of the site, the nature of the use, the reasons it should be developed in this location to benefit from the proximity to the gas main and electric connections and the small amount of land required for it would outweigh the policy conflict. Furthermore allowing the STOR facility may benefit the business park users as it would future proof the reliability of the power supply in the area. This type of development is essential supporting infrastructure which is needed to support the National Grid and continuous supply of electricity is essential for the economy and society as a whole. Hence the principle of the proposal is considered acceptable, and the detailed impacts are considered below:

#### 4.2.2 Residential Amenity

Planning Policy Wales 3.1.4 refers to the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7 of PPW, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. Also the Courts have ruled that the individual interest is an aspect of the public interest. It is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The City Council representation raises a concern over noise impacts.

The closest dwellings to the site are; Cwttir 100m to the south east, Bryn Coed 200m to the north east, the group of dwellings fronting Glascoed Road including Llys Y Wennol and The Cottage 250m to the south east and Greengates Farm 450m to the north.

The Supporting Statement indicates that activities at the site may emit noise or cause vibration but these effects would be localised. Mitigation measures to reduce the effects of noise and vibration are detailed in the supporting documents to the application. Air pollution has also been considered in a report attached to the application. The Councils Pollution Control Officer has raised no objection to the proposal subject to the imposition of conditions to control noise and complaints/investigations. NRW have also accepted the findings of the Air Quality Assessment.

In considering applications with such technical supporting documentation Officers are bound to take into account the advice of specialist consultees. In this instance the Councils Pollution Control Officer and NRW raise no objection to the scheme. Hence it appears that the impacts on residential amenity (including noise and air quality) can be controlled, and the development would not therefore give rise to unacceptable adverse impacts on local residents. The proposal therefore complies with amenity policies.

#### 4.2.3 Highway Safety

Local Development Plan Policy ASA 1 and ASA3 oblige provision of safe and convenient access, parking and consideration of the impact of development on the local highway network. This is reflected in Planning Policy Wales (Section 8) and TAN 18 – Transport, which also support sustainable infrastructure development.

The application site lies close to St Asaph and within allocated employment land on St Asaph Business Park. It involves the creation of an access onto Cwttir Lane where there appears to have been an access to the former Pilkington's car park. Owing to the nature of the use it would not generate excessive vehicle movements and a maximum of four staff are proposed to work on site at any one time. Highways Officers have considered the proposal and raise no objection to the access.

Officers consider that the relevant policy and guidance in relation to highways policies is met.

#### 4.2.4 Biodiversity

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 Nature Conservation and Species Protection, 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.

An ecological assessment of the site has been carried out which acknowledges there are records of Great Crested Newts close to the application site. NRW have suggested precautionary conditions are attached.

Subject to the imposition of the biodiversity conditions it is considered that the proposal is acceptable in terms of the relevant policies.

#### 4.2.5 Drainage

Planning Policy Wales Section 13.2 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed. Surface water draining is also a planning consideration.

The site lies within Zone A as defined by Welsh Government's Development Advice Map (DAM) as referred to under TAN15: Development & Flood Risk. The flooding and drainage reports state that the flood risk associated with the proposals is therefore likely to be low. Additional information regarding surface water drainage was submitted during the application process, this was considered by NRW and deemed acceptable. NRW have not objected to the proposal on flood risk or drainage grounds.

It is considered that the proposal is considered acceptable with regard to flooding and drainage.

## 5 **SUMMARY AND CONCLUSIONS:**

5.1 In conclusion, the principle of the development is considered acceptable with no adverse detailed impacts. The application is considered acceptable under the relevant policies and is recommended for grant.

### **RECOMMENDATION: GRANT** - subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Building elevations (Drawing No. AEL015\_SA\_003 rev 01) received 29 September 2015
3. (ii) Site elevations (Drawing No. AEL015\_SA\_004 rev 01) received 29 September 2015
4. (iii) Internal floor plan (Drawing No. AEL015\_SA\_006) received 29 September 2015
5. (iv) Roof plan (Drawing No. AEL015\_SA\_005 rev 01) received 29 September 2015
6. (v) Detailed site plan (Drawing No. AEL015\_SA\_002 rev 01) received 29 September 2015
7. (vi) Site location plan (Drawing No. AEL015\_SA\_001 rev 05) received 29 September 2015

8. (vii) Location plan 1:1250 scale (Drawing No. AEL015\_SA\_007) received 8 October 2015
9. (viii) Surface water drainage strategy (Drawing No. 617037/110 rev P3) received 23 December 2015
  
10. No development shall be permitted to commence until the following details to protect Great Crested Newts have been submitted to and agreed in writing with the Local Planning Authority and the development shall be carried out in accordance with the submitted details relating to:
  - i. Reasonable avoidance/mitigation measures for GCN's;
  - ii. Compensation site proposals: Submission and implementation of site design proposals.
  - iii. Compensation site proposals: Submission of a Management Plan.
  - iv. Compensation site proposals: Submission/implementation of proposed tenure.
  - v. Compensation site proposals: Long term management, wardening and surveillance.
  - vi. Compensation site proposals: Long term resource provision.
  - vii. Ecological compliance audit.
  - viii. Biosecurity Risk Assessment.
  
11. Full details of the vehicular access and associated highway works including the detailed design, layout, construction, drainage, and highway retaining works shall be submitted to and approved in writing by the Local Planning Authority prior the commencement of any site works and the access shall be completed in accordance with the approved plans.
  
12. A passing place shall be provided on Cwttir Lane between the access to the new development and junction of Cwttir Lane and Glascoed Road prior to the commencement of any construction works in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The passing place shall be retained at all times thereafter.
  
13. Facilities shall be provided and retained within the site for the parking, turning, loading and unloading of vehicles in accordance with a scheme to be agreed in writing by the Local Planning Authority and which shall be completed prior to the proposed development being brought into use.
  
14. If complaints of noise nuisance are received by the Local Planning Authority, the developer shall be notified in writing and the developer shall employ a suitably qualified acoustic consultant to undertake a noise assessment within 1 month of notification to ensure that noise levels from the site are in accordance with those stated in the Acoustic Technical Report prepared by MLM Acoustics dated September 2015. A copy of the report shall be submitted to the Local Planning Authority within 14 days of its completion. Where the Applicant fails to undertake a noise assessment within 1 month of notification, the Local Planning Authority shall undertake an independent noise assessment and the Applicant shall be required to cover the cost incurred by the Local Planning Authority.
  
15. Low Frequency Noise complaints shall be investigated as above but in accordance with the 'Proposed criteria for the assessment of low frequency noise disturbance' - NANR45 document produced by Salford University for DEFRA. If the scheme is found to exceed the noise limits specified above, the plant shall be shut down and shall not be permitted to re-commence operation until the written approval of the Local Planning Authority has been obtained to mitigation measures that will ensure compliance. The mitigation measures as approved shall be carried out prior to the recommencement of the operation of the scheme.

16. A record of the hours of operation / generation of electricity from the scheme shall be logged in a format that can be made available for inspection, when requested in writing, by the Local Planning Authority.

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 protect ecological interests and European Protected Species.
4. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
5. In the interest of the free and safe movement of all users of the access road to the site and Cwtir Lane to ensure the formation of a safe and satisfactory access.
6. To provide for the parking and turning of vehicles in the interest of traffic safety.
7. To ensure adequate measures are in place to monitor and assess noise from the scheme in the event of complaints and in the interests of the amenity of occupiers of residential property in the locality.
8. To ensure adequate measures are in place to monitor and assess noise from the scheme in the event of complaints, and in the interests the amenity of occupiers of residential property in the locality
9. To aid noise complaint investigations.

**NOTES TO APPLICANT:**

Highways Notes:

**The following matters shall be drawn to the applicant's attention as Advisory Notes.**

- (i) Highway Supplementary Notes Nos. 1,3,4,5 & 10
- (ii) New Roads and Street Works Act 1991-Part N Form

Wales and West Utilities:

You are advised that there is gas apparatus in the vicinity of the application site. Please see attached correspondence relating to this matter.