

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

DATE: **7TH NOVEMBER 2012**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: Retention of the use of land for the reception and processing of construction and demolition waste together with the raising of land levels using fill material arising from the processing operation at former Titanium Works, Weighbridge Road, Connah's Quay.

APPLICATION NUMBER: 49908

APPLICANT: Alan Skip Hire Ltd

SITE: Former Titanium works, Weighbridge Road, Connah's Quay.

APPLICATION VALID DATE: 13/07/2012

LOCAL MEMBERS: Councillor J.B. Attridge, Councillor A P Shotton

TOWN/COMMUNITY COUNCIL: Connah's Quay

REASON FOR COMMITTEE: The proposal is 7.67 ha and involves the use of inert waste to raise the land.

SITE VISIT:

1.00 SUMMARY

- 1.01 The proposal is for the retention of land for the reception and processing of construction and demolition waste together with the raising of land levels using fill material arising from the processing operation at the former Titanium Works, Weighbridge Road, Connah's Quay. The site falls within the Deeside Development Zone, which is an area of strategic importance within the sub-region and forms the Northern Gateway to the County.
- 1.02 The proposal is partly retrospective as inert recycling is currently taking place on part of the site. The currently receives construction and demolition waste in the south west corner of the site, where it is

processed before transportation off site. It is proposed to continue this operation for the duration of the land raising operation, which are anticipated to take three years. The applicant intends to raise the level of the land by infilling with processed construction and demolition waste, resulting in a landform that can be further developed for industrial use. Any further development of the site for industrial use would be the subject of a subsequent planning application and does therefore not form part of this report.

- 1.03 Access to the site is achieved via an existing access point on Tenth Avenue, shared with the adjoining site, currently occupied by the Great Bear Distribution Company. A 2m high palisade and chainlink fence is used to demarcate the reception/processing area. A shipping container is currently being used as an office, with a portable toilet. Hours of operation are proposed to be 07:00 to 18:00 Monday to Friday and 07:00 to 14:00 Saturday with no working proposed on Sundays and Bank holidays. The waste processing operations will take place in the south west of the site, which is already raised up. The eastern part of the site is where the fill operations will take place.
- 1.04 The site is located within the flood plain, and is identified as within flood zone C1, which is served by flood defences. Land levels are approximately 4.8m Above Ordinance Datum (AOD) in the eastern part of the site, which is well below the point at which the site would flood at if a breach of the defences to the River Dee or Dee Estuary occurred. The raising of the land is intended to address flood risk issues on the site, making it suitable for further development, and bringing site levels in line with levels to the west of the proposed development.
- 1.05 Construction and demolition waste will be taken to the site where it will be processed using plant and equipment. The following plant are to be used on site: A 360° tracked digger, for sorting and loading waste/engineering, an Extex Crusher, for crushing waste, a Powerscreen 1400 to screen crushed material, an Extex Robotrac Screen to screen crushed material, a JCB loading shovel, for general site operations, and a water bowser for dust suppression.
- 1.06 Fuel or chemical storage tanks and containers which may be stored on site will be surrounded by a bund which is capable of containing a minimum of 110% of the volume of liquid stored in the tank, a requirement of the Environmental Permit. Measures to mitigate nuisance issues including dust, odour, litter and vermin/insect/bird control are proposed within the Planning, Design and Access Statement.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

- 2.01 The proposal is recommended for approval subject to the following

conditions.

Conditions

1. Time limit on commencement
2. Duration of planning permission
3. Hours of operation
4. Submission and approval of surface water drainage scheme
5. Submission and approval of landscaping scheme
6. Submission and approval of a construction traffic management plan
7. Compliance with the dust control and monitoring measures proposed
8. Restriction of stock pile height to 10m or less
9. Restriction of area where waste processing and storage can be undertaken.
10. Restriction of the type of waste that can be accepted on site
11. Measures to protect the water main
12. Measures to protect Network Rail land

3.00 CONSULTATIONS

3.01 Local Member

Councillor J.B. Attridge

Agrees to the determination of the application under delegated powers

Councillor C.M. Jones

Agrees to the determination of the application under delegated powers.

Councillor A.P. Shotton

No comment to date

Connah's Quay Town Council

No objection.

Sealand Community Council

No objection.

Head of Assets and Transportation

No objection subject to the inclusion of a number of conditions in the interests of maintaining highway safety.

Head of Public Protection

No objection.

Welsh Water/Dwr Cymru

Note that the proposed development is crossed by a trunk/distribution watermain, which would need to be diverted under Section 185 of the Water Industry Act 1991.

Environment Agency

No objection subject to the inclusion of conditions to address flood risk and surface water drainage.

Airbus

No objection

Welsh Government Transport Division

As the highway authority for the A550 trunk road does not issue a direction in respect of the application.

Fire Authority

No observations

Network Rail

Request that a number of conditions are attached to the planning permission to ensure that Network Rail land is not adversely affected by the proposal.

Emergency Planning Unit

No objection

4.00 PUBLICITY

4.01 Press Notice - yes, Site Notice - yes, Neighbour Notification – yes
Response to publicity:

Object due to:

- The potential to attract vermin (gulls and other scavenging birds) to the area;
- Highway and safety grounds due to a lack of capacity on Tenth Avenue, which is also used by cyclists;
- The proximity to the public and employment uses.

5.00 SITE HISTORY

5.01 **P 4/5/24804** Change of use of land and buildings from general industrial use to storage and manufacturing: Granted 9th January 1996

There are a number of consents on this site relating to the former Titanium works, however, these are not directly relevant to this application as the above permission has changed the use of the site.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- GEN 1: General Requirements for Development
- GEN 2: Development inside settlement boundaries
- EMP 3: Deeside Development Zone
- EWP 6: Areas of Search for New Waste Management Facilities
- EWP 7: Managing Waste Sustainably
- EWP 8: Control of Waste Development and Operations

7.00 **PLANNING APPRAISAL**

7.01 The main issues are considered to be:-

1. Principle
2. Visual and Landscape Impact
4. Biodiversity Considerations
5. Highways
6. Drainage and water supply
7. Flood risk
8. Amenity issues

7.02 **Principle**

There are two elements to this proposal, firstly, the principle of a waste management use and secondly, the principle of flood mitigation measures. The site is located on the Deeside Industrial Estate and falls within the Deeside Development Zone, policy EM3 of the adopted Flintshire Unitary Development Plan, which supports the development of B1, B2 and B8 uses on site. Waste uses are often located on industrial sites, and national guidance recognises that industrial areas may be appropriate for waste facilities. The Welsh Assembly Government Policy Clarification Note Unitary Development Plans – Waste Policies Hazardous Waste Planning Applications, 28th May 2004 states that “*Sites on general industrial sites would be suitable for many of the future waste facilities including waste processing and treatment facilities*”. Policy EWP 6 Areas of Search for New Waste Management Facilities seeks to direct new waste facilities to those locations which have the potential to accommodate waste management facilities. The locations are not formal allocations for waste management developments but are intended as preferred areas of search for such facilities. The Deeside Development Zone is identified within policy EWP6. The principle of a waste management use is therefore acceptable on this site. Policy EM7 Bad Neighbour Industry seeks to direct development which is potentially detrimental to amenity to employment sites allocated under policies EM1, EM3, EM4 and EM5 or suitable brownfield sites or derelict, underused or vacant land subject to a number of tests to ensure that the detail of the proposal is acceptable.

7.03 Policy EWP 17: Flood risk supports development which seeks to reduce the impact and frequency of flood risk to areas at risk of flooding subject to a number of tests to ensure the measures do not have a detrimental impact on the surrounding area. The proposal will enable currently underused land to be brought back into beneficial use.

7.04 The proposed waste processing activities and raising of the land are inextricably linked and the waste processing activities will cease when

the raising of the land is completed. Co-locating the waste processing activities and the land raise operations reduces the distance that waste has to travel and ensures that waste is recovered wherever possible. The proposal will reduce the impact and frequency of flooding on the site and enable it to be brought back into beneficial use. The principle of the proposal is therefore considered to be in line with national and local policy, including policies EM3, EM7, EWP 6, and EWP 17 of the adopted Unitary Development Plan.

Visual and Landscape Impact

- 7.05 The Landscape Officer raised no objection subject to the inclusion of conditions to secure the submission of a landscape scheme. The site is located within an existing industrial estate and is surrounded by industrial units. The site forms part of the former Titanium Works and the south western part of the site has already been raised up, as has the remainder of the former Titanium Works adjacent to the proposal area. It is important to note that the purpose of this proposal is to address flood risk on the site and make it suitable for further development. As such, the intention is to leave a finished landform that can be further developed for industrial use. The supporting statement, submitted as part of the application, states that a programme of planting and aftercare is to be agreed with the local planning authority.
- 7.06 The waste processing operations, including stockpiles of waste material, will have a temporary visual impact on the surrounding area. The industrial buildings adjacent to the proposal site provide a screen to views from the north, while trees help screen views into the site from the south. There will be views into the site from the east along Tenth Avenue, which are interrupted by industrial buildings. The applicant proposes to restrict the height of stock piles to a height between 5 and 10m which will help reduce the visual impact of the proposal from the north as the adjacent buildings are in excess of 10m in height.
- 7.07 GEN 1 of the adopted Unitary Development Plan requires development to harmonise with the site and surroundings in terms of landscaping. Policy D3 Landscaping requires new development to include a hard and soft landscaping scheme, or where the development is of a temporary nature, adequate provision should be made for the full restoration and aftercare of the site on cessation of the use. In Officer's opinion, adequate landscaping on the site can be secured through the use of a suitably worded condition. There will be a short term visual impact from the proposal on the surrounding area, however, given the location of the site, the temporary nature of the proposal and the nature of surrounding users, on balance, it is considered the long term benefits of the proposal outweigh the short term loss of visual amenity.

7.08 Biodiversity Considerations

The site formed part of the former Titanium site and is previously developed land. The locality is known to support the dingy skipper. However, the area of land that is to be infilled is currently used to graze horses and has limited botanical interest. The site is considered unlikely to currently support the dingy skipper. Grassing over of the site once the infilling works are complete would provide potential benefit in terms of biodiversity on the site and can be secured through a suitably worded condition.

7.09 There are a number of trees on the periphery of the site which are important in terms of screening the site. The applicant has submitted a tree survey which identifies a small number of trees and vegetation which require removal in order to facilitate the proposed drainage works. Policy TWH1 Development Affecting Trees and Woodlands, seeks to protect trees which are considered to be important in terms of the landscape. The policy requires that where trees are to be removed, suitable replacements that are appropriate to the character of the area are to be established elsewhere within the site. It is considered that additional planting can be secured by a suitably worded condition, and that whilst there will be some loss of vegetation, on balance, the proposal is acceptable and in accordance with policy TWH1 of the adopted Flintshire UDP.

7.10 Highways

The site is accessed via an existing access from Tenth Avenue through a site currently operated by Great Bear Distribution Ltd. Tenth Avenue is an unadopted road which falls under the jurisdiction of the Welsh Government, who have not objected to the proposal. The proposal requires the importation of approximately 39,000 tonnes of material per annum, which equates to 136 tonnes per day based on a five and a half day working week. It is anticipated approximately 14 daily HGV movements will be generated. Policy GEN 1 supports proposals that provide safe and convenient access for vehicles, together with adequate and suitably located parking spaces and servicing/ manoeuvring space. The development should not have an unacceptable effect on the highway network as a result of problems arising from traffic generation. In order to ensure that the proposed development does not have a detrimental impact on the highway network, it is considered that a condition should be included to ensure that a construction management traffic plan is submitted. Subject to inclusion of the afore mentioned condition, the proposal is considered acceptable and in line with policy AC13 Access and Traffic Impact of the adopted Flintshire UDP.

7.11 Drainage and water supply

The landraise operations will necessitate an existing channel to be diverted along the eastern edge of the site. The Environment Agency has not objected to the proposal but has requested that a condition is attached to any planning consent issued to secure a scheme for the

provision of surface water drainage works. Subject to the inclusion of a suitably worded condition to secure the submission of a surface water drainage scheme the proposal is considered acceptable and in line with policy GEN 1 part (i) of the adopted Flintshire UDP.

- 7.12 Welsh Water have identified that the proposed development site is crossed by a trunk/distribution watermain which, Welsh Water advise, should be kept free from all temporary buildings, building material and soil heaps at all times, or the water main should be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged, by Welsh Water, to the developer. It is understood that the developer is aware of the need to divert services beneath the site, including the water main and underground electrical cables and has made allowances for their diversion. In order to ensure the proposal does not have a detrimental impact on the watermain it is considered necessary to include a suitably worded condition.

7.13 Flood Risk

The purpose of the proposed development is to raise up the eastern part of the site, thereby addressing flood risk issues on the site and enabling it to be further developed for employment uses. Members should note that any subsequent development of the land for employment uses does not form part of this application and would require a separate planning permission. The Environment Agency has requested conditions to ensure finished floor levels are set no lower than 6.9m above Ordnance Datum (AOD) as outlined within section 8 of the Flood Consequences Assessment in order to reduce the risk of flooding to the proposed development and future occupants. The area within which processing of waste will take place is already raised up and meets this requirement, however, it is considered necessary to restrict the processing and storage of waste to the area defined on the Phasing Plan, drawing number 2459/426/04 in order to reduce the risk of flooding to the waste processing operations. Subject to a condition restricting the processing and storage of waste to a defined area, the proposed development is considered acceptable and in line with policy EMP 17: Flood Risk of the adopted Flintshire UDP.

7.14 Amenity and issues regarding the neighbouring use of land

The proposed development involves the processing of inert waste, which by its nature may give rise to dust. The site is located well away from residential properties and will be controlled by the Environment Agency through an Environmental Permit, which controls nuisance issues such as noise, dust and odour. The Environmental Health Officer did not object to the proposal and did not request any specific conditions to address nuisance issues due to the potential to overlap with the requirements of the permit. The applicant proposed a number of measures to limit the dust on the site. The inert nature of the material means that odour is considered unlikely to cause a nuisance on the site, however, it is considered necessary to include a condition to restrict the type of material that can be dealt with on site as the

application has been considered on that basis. Should the waste materials that the applicant wishes to manage on site change they would have different associated impacts and any proposal would therefore need to be considered afresh.

- 7.15 The western part of the site is adjacent to the railway line, which is managed by Network Rail. Network Rail did not object in principle to the proposed development but highlighted the importance of preventing any adverse impacts on Network Rail land, either through excavations / earthworks carried out in the vicinity of Network Rail property, drainage schemes or the planting of trees. It is considered unlikely that the landraise works will have a direct impact on Network Rail land as the area to be raised up is located away from the railway line. Limited landscaping is proposed on the site as the purpose of the development is to enable the site to be brought forward for industrial development, which would be the subject of a further planning application. Issues raised by Network Rail with regards to drainage and landscaping can be addressed through suitably worded conditions.

8.00 CONCLUSION

- 8.01 The proposal is for the temporary use of land, for a period of 3 years. There are two key elements to the proposal: Firstly, the processing of construction and demolition waste, which is already being carried out at the site; and secondly the raising of land to address flood risk issues on the site. Much of the Deeside Industrial Estate is located within the flood plain and the principle of introducing measures to mitigate flood risk within the estate is considered acceptable. The proposed waste processing activities are intended to provide the fill material for the proposed infill works, whilst maximising the volume of material that is recovered and put to beneficial use off-site, in line with local and national waste management priorities. On balance it is considered that, subject to the inclusion of conditions to address the matters raised above, the proposed development is acceptable and in accordance with policies GEN 1, GEN 2, TWH1, EMP3, EWP6, EWP7, EWP8, EWP17, and AC13 of the adopted Flintshire UDP.
- 8.02 It should be noted that the activities proposed on site require an Environmental Permit and will therefore be regulated by the Environment Agency.
- 8.03 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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