

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH FEBRUARY 2016**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **APPLICATION FOR VARIATION OF CONDITION NO. 3 & 4 FOLLOWING GRANT OF PLANNING PERMISSION (048179) TO EXTEND OPERATIONAL HOURS AT UNIT 6, ANTELOPE INDUSTRIAL ESTATE, RHYDYMWYN**

APPLICATION NUMBER: **053959**

APPLICANT: **DISPLAY RECYCLING LTD.**

SITE: **UNIT 6, ANTELOPE INDUSTRIAL ESTATE, RHYDYMWYN**

APPLICATION VALID DATE: **31/07/15**

LOCAL MEMBERS: **COUNCILLOR OWEN THOMAS**

TOWN/COMMUNITY COUNCIL: **CILCAIN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **REQUESTED BY LOCAL MEMBER**

SITE VISIT: **YES: AS REQUESTED BY LOCAL MEMBER**

1.00 SUMMARY

1.01 In November, 2011 planning permission was granted for the change of use of redundant warehouse (Use Class B2) into Recycling Plant (Use Class Sui-Generis) at Unit 6, Antelope Industrial Estate in Rhydymwyn near Mold under planning reference 048179. This planning application is to vary the permission that was granted in 2011 due to operational changes in the business that would involve increasing the hours during which deliveries and movements of HGVs and LGVs to and from the site are permitted and also extending the hours under which external working is allowed.

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

- 2.01
1. Commencement of Development.
 2. Development carried out in accordance with the plans and specifications.
 3. Hours of working.
 4. Hours for deliveries and movements of HGVs and LGVs entering and leaving the site.
 5. Exterior lighting mitigation.
 6. Noise mitigation and monitoring.
 7. Flooding controls.
 8. Limitations to the activities of the development.
 9. No outdoor working.
 10. Details of the location and construction and use of the weighbridge to be submitted in writing for the written approval of the local planning authority.

3.00 CONSULTATIONS

3.01 Local Member for Cilcain
Councillor Owen Thomas

Would like the application to go to planning committee with a site visit due to the number of complaints and the outstanding enforcement.

Cilcain Community Council

The consultation response from the first consultation was that the Community Council is impressed with the recent improved management of the site. However, the Council has to object to the proposed extension of hours, especially the Sunday extension. Granting an extension of hours at this stage may harm the recent improved relationship between the operating Company and the village community. The consultation response from the re-consultation was that the Community Council strongly objects to extending the operating hours. The existing operation is resulting in dust and noise pollution for the village community. Extending the hours will merely increase the hours of pollution per day.

Head of Public Protection

Have considered the application, the amendments and the detailed noise reports supplied. In the past Environmental Health have carried out numerous noise monitoring investigations of the former operator of this factory. Most of these were carried out with colleagues from the Environment Agency (now Natural Resources Wales). Initially at the start of operations there were serious problems caused by noise. These were over a period of months addressed by the company and were eventually resolved. The last period of monitoring that was undertaken was over many days and showed that the factory was not causing a nuisance or affecting amenity.

The conclusion of these latest noise reports undertaken by consultants on behalf of the current operators is that the noise emissions from the factory, including those in the rear processing area, are inaudible at nearby noise sensitive receptors.

In light of this Environmental Health would not object to this minor alteration to the conditions.

Head of Assets and Transportation

No observations.

Natural Resources Wales

No specific comments other than the application to extend the hours may increase the volume of complaints that Natural Resources Wales receive about the site. The site has historically attracted attention from a small number of local residents and extending the operational hours might increase this. In response to the additional consultation Natural Resources Wales do not object to the proposed change of the condition.

4.00 PUBLICITY

4.01 Publicity: Press Notice, 2 Site Notices and extensive neighbour notification letters.

Neighbours: One objection in relation to the constant noise of breaking glass and heavy machinery during the existing agreed working hours. By increasing the operating hours there will be an impact on residents within the neighbourhood.

Two objections in relation to the existing noisy activities at all hours of the day and night as the proposed changes would be totally unacceptable as they would increase the adverse affects on health, wellbeing and residential amenity. A number of comments have been made which are not relevant to this planning application.

Internal and external consultees and neighbours were also consulted on an amended application form and planning statement that were submitted in December, 2015.

5.00 SITE HISTORY

5.01 The following planning permissions have been granted over the years:

048179: The change of use of redundant warehouse (Use Class B2) into Recycling Plant (Use Class Sui-Generis) was approved at Planning Committee on 1st November, 2011.

6.00 PLANNING POLICIES

6.01 Local –Flintshire Unitary Development Plan (2011)

Policy STR1 - New Development
Policy STR2 - Transport and Communications
Policy STR3 - Employment
Policy STR10 - Resources
Policy GEN1 - General Requirements for Development
Policy D1 - Design Quality, Location and Layout
Policy D2 - Design
Policy D4 - Outdoor Lighting
Policy AC2 - Pedestrian Provision and Public Rights of Way
Policy AC3 - Cycling Provision
Policy AC8 - Buses
Policy AC13 - Access and Traffic Impact
Policy AC18 - Parking Provision and New Development
Policy EM1 - General Employment Land Allocations
Policy EM3 - Development Zones and Principle Employment Areas
Policy EM4 - Location of Other Employment Development
Policy EM5 - Expansion of Existing Concerns
Policy EM7 - Bad Neighbour Industry
Policy EWP6 - Areas of Search for New Waste Management Facilities
Policy EWP7 - Managing Waste Sustainability
Policy EWP8 - Control of Waste and Operations
Policy EWP9 - New Development and Waste Management Facilities
Policy EWP12 - Pollution
Policy EWP13 - Nuisance
Policy EWP16 - Water Resources
Policy EWP17 - Flood Risk

Waste development is also guided by Regional and National guidance, including: Towards Zero Waste (2010); Planning Policy Wales (2014); Technical Advice Note (Wales) 11: Noise (1997); Technical Advice Note (Wales) 21: Waste (2014); Technical Advice Note (Wales) 23: Economic Development (2014).

The proposal **would** comply with the above policies.

7.00 PLANNING APPRAISAL

Site Location:

- 7.01 Unit 6 is located in the Antelope Industrial Estate which is to the south east of the village of Rhydymwyn. The industrial estate is in a predominantly rural location, however, there is a substantial disused works that is located to the west of the industrial estate. The application site is an existing waste management site and is located to the north of the applicant's adjacent site at Units 8a and 8b.

Description of and the Need for the Development:

- 7.02 Conditions 3 and 4 of the planning permission are the condition that are proposed to be amended. The current conditions read:

Condition 3:

The hours of working for the development shall be limited to:

- *Indoors 24 hours Monday to Sunday.*
- *Outdoors 08:00 to 18:00 hours Monday to Saturday. No outdoors working permitted on Sunday, Bank and Public Holidays*
- *Essential repairs outside of the building are to be limited to the hours of 07.00 and 21.00 Monday to Sunday.*

Condition 4:

The hours for deliveries and movements of HGVs and LGVs entering and leaving the site shall be limited to 08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 hrs Saturdays. Excepting for essential repairs and emergencies there shall be no deliveries and movements of HGVs and LGVs to and from the site on Sundays, Bank and Public Holidays.

The proposal is to vary the conditions as follows:

Condition 3:

The hours of working for the development shall be limited to:

- *Indoors 24 hours Monday to Sunday.*
- *Outdoors 07:00 to 19:00 hours Monday to Saturday. No outdoor working permitted on Sunday, Bank and Public Holidays*
- *Essential repairs outside of the building are to be limited to the hours of 07.00 and 21.00 Monday to Sunday.*

Condition 4:

The hours for deliveries and movements of HGVs and LGVs entering and leaving the site shall be limited to 07:00 to 19:00 hours Monday to Saturday. Excepting for essential repairs and emergencies there shall be no deliveries and movements of HGVs and LGVs to and from the site on Sundays, Bank and Public Holidays.

7.03 The proposal is to increase the times that the site is able to accept incoming and outgoing deliveries and outside working by 1 hour in the morning (from 0800 to 0700 hrs) and by 1 hour in the evening (from 1800 to 1900 hrs, Monday to Saturday. This will reduce a problem with late deliveries and consequently the drivers having to park up to await loading and unloading the following day, and will enable the site operator to grow the business and secure and create further local jobs. It would mean continuing to managing waste higher up the Waste Hierarchy.

7.04 Originally, the applicant applied to include Sundays, Bank and Public Holidays as part of the increase in operational hours but withdrew this request by way of submitting an amended application form and amended planning statement in response to consultation responses.

Existing and Surrounding Uses

7.05 The proposed development is in an existing well established industrial estate and is in keeping with the range of uses and activities that are already permitted on other units within the industrial estate. The proposal does not alter the existing built development.

Environmental Assessment:

7.06 The proposal is not an Environmental Impact Assessment development. There is no additional off-site impact on water resources or wildlife conservation as a result of this development.

7.07 Pollution Control:

The closest residential property is located approximately 300 metres to the east of the site and other properties are located a similar distance away to the north-west of the site. In terms of dust emissions the applicant is aware that prevention of the escape of dust is paramount. In terms of the control of dust emissions the site is connected to a mains water supply which is readily available should there be a need to damp down dusty surfaces and stockpiles of product. A series of additional dust mitigation measures would be used and implemented on site to ensure that dust emissions are controlled as far as practicably possible. These measures include sheeting of vehicles delivering waste to site if it is necessary; sheeting of vehicles transporting potentially dusty loads off site; employing a mobile bowser on site to damp down vehicle running surfaces, vehicle loads and areas on and around machinery which may give rise to dust, especially during dry and windy conditions and the cleaning of any spillages using wet cleaning methods. Operatives at the site continuously monitor dust emissions during operations at the site and report any emissions to the site supervisor. The site supervisor makes a formal visual inspection of dust emissions daily.

7.08 The deposit of material on the access road or public highway is to be treated as an emergency and cleaned immediately using a brush and shovel or the road sweeper/vacuum tanker if necessary. A permanent water supply is available at the site to ensure that the dust suppression systems can function effectively. Any external water pipes are to be lagged to prevent frost during the winter months to ensure that the water supply is available in all climatic conditions.

7.09 The daily operational and environmental controls will be via an existing Environmental Permit issued by Natural Resources Wales.

Access:

7.10 The access to the industrial estate is directly off the A541 Denbigh Road. The access to the site is then from the industrial estate road. There are no public rights of way affected by the site as the proposed development is situated on a private industrial estate.

7.11 The materials may be delivered to the application site in a variety of ways but mainly by HGV payloads of between 20 and 25 tonnes. Staff, maintenance vehicles and visitors also generate smaller vehicle movements.

Policy Context:

7.12 The proposed development is compliant with the relevant national and local development plan policies.

Amenity and Nuisances:

- 7.13 There would be no significant impacts on the amenity of local businesses and residents as a result of increasing the duration of times for accepting deliveries to and from the site and associated outside working. Any impacts are limited to incidental noise and dust. The delivery and movement of containerised end of life electrical equipment is not inherently dust generating, and the risk of dust generation is considered to be confined to accidental spillages. The area surrounding unit 6, which has been operational for over a year, is clean and there is no evidence that dust is a problem, or that it is affecting nearby businesses.
- 7.14 There would be a modest increase in the duration of time that HGVs and fork lift trucks carry out manoeuvres, but this is not predicted to give rise to an increase in the overall levels of noise generated and the levels at sensitive receptors are predicted to remain within acceptable levels. The site is currently permitted to operate 24 hours per day, 7 days a week, and this is unchanged. The variation of the two conditions does not require the introduction of new plant and machinery and neither does it alter the permitted activities which take place at the site.
- 7.15 Noise assessments were undertaken to assess the potential of the change to the times of deliveries and outside working. Deliveries of end of life electrical equipment, mainly cathode ray tube televisions, are made by reversing HGVs into a loading bay, but some deliveries can include side loading, and the outside working comprises the use of a fork lift truck, or similar, to move pallets and containers about the site, and between the adjacent unit 8 where the cathode ray tube glass is processed. All electrical dismantling operations take place inside unit 6 and are unaffected by this proposal. The impact of noise is therefore confined to that associated with the manoeuvring of HGVs and loading/unloading operations, which are intermittent. There is no loose tipping of delivered materials.

Setting and Context:

- 7.16 The proposed development is compatible with the surrounding land uses in terms of setting and context, which is a small industrial estate with a mix of B1,B2 and sui generis uses located at the edge of the settlement. There is no new built development and the existing uses are unaltered.

8.00 CONCLUSION

- 8.01 The proposed changes will provide operational benefits to the applicant and the potential for significant amenity impacts is considered to be low, and can be controlled by conditions.

- 8.02 The development is in accordance with the objectives and policies set out in the Flintshire Unitary Development Plan. It is recommended therefore that permission be granted for the development.
- 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, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

- i. Application Form received by Flintshire County Council on 9 July, 2015.
- ii. Plan 1 "Site Location Plan" received by Flintshire County Council on 9 July, 2015.
- iii. Investigation of reports of a Low Frequency noise dated 19th November, 2011.
- iv. AB acoustics Environmental Noise Survey dated June, 2015.
- v. AB acoustics Environmental Noise Survey No. 2 dated June, 2015.
- vi. Planning Statement received by Flintshire County Council on 9 July, 2015.
- vii. Design and Access Statement received by Flintshire County Council on 9 July, 2015.
- viii. Amended Application Form received by Flintshire County Council on 2 December, 2015.
- ix. Amended Planning Statement received by Flintshire County Council on 2 December, 2015.

National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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