

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** WEDNESDAY, 18 APRIL 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** APPLICATION FOR REMOVAL OR VARIATION OF A CONDITION FOLLOWING GRANT OF PLANNING PERMISSION REF. 1240/90 TO ALLOW FOR STORAGE UP TO 8 METRES HIGHER THAN BASE DATUM POINT AT OLD QUARRY YARD, GWESPYR 049395

**APPLICATION NUMBER:**

**APPLICANT:** Delyn Metals Ltd

**SITE:** Old Quarry Yard, Gwespyr

**APPLICATION VALID DATE:** 30/01/12

**LOCAL MEMBERS:** Councillor Fred Gillmore

**TOWN/COMMUNITY COUNCIL:** Llanasa Community Council

**REASON FOR COMMITTEE:** Re-submitted application previously refused. Requested by Planning Chair.

**SITE VISIT:** No

### **1.00 SUMMARY**

1.01 This application is a re-submission of application 048496. This application was refused at Planning and Development Control Committee on 7<sup>th</sup> December, 2011 contrary to officer recommendation on the grounds of visual impact and highways impact. A report then went to the Planning and Development Control Committee on 11<sup>th</sup> January, 2012 to seek guidance regarding the above reasons for refusal. The outcome of this Planning and Development Control Committee was to refuse application 048496 solely on the grounds of visual impact. Since issue of the refusal decision notice the applicant has engaged with officers and the local member with the purpose of resolving the issues of visual impact.

Further to the refusal of application 048496 on the grounds of visual impact a new belt of planting is proposed to be undertaken to the south of the site. This is to mitigate the visual impact of an area where the scrap storage area can be viewed from the main road. The species mix would be controlled by a condition to ensure that a balance of screening and longer term aesthetics are maintained given that site is close to the Conservation Areas and historic gardens and the AONB.

Since application 048496 was refused, parking spaces have been created on site to address previous Member concerns. Highway issues would be controlled by way of condition including facilities for turning and parking of vehicles and the maintenance of a hardpaved area for loading, parking and turning within the site.

This application is to vary condition number 1 of planning permission reference 1240/90 to allow storage of scrap stockpiles on site up to 8 metres higher than base datum point. Condition number 1 of the planning permission states that “no waste shall be stored on any part of the site to a height greater than 4.6 metres (15 feet) above the base datum point of the floor slab at ground level of the weighbridge office”. Old Quarry Yard at Gwespyr is an existing scrapyard adjacent to the settlement of Gwespyr. The operations involve the receipt, sorting, storage and the subsequent removal of products from the site. All of these activities take place within the confines of the site and are permitted under the current planning permission. No change of use is proposed as the only purpose of the application is to increase the height of the storage areas of the scrap material from 4.6 metres to 8 metres. This application is to regularise the planning status of the site to retain the existing stockpiles at a height of up to 8 metres. No complaints about the site such as noise or visual impact have been received.

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

**2.01 Conditions:**

1. Time limit on Commencement
2. Development carried out in accordance with the approved documents
3. Copy of the permission to be kept at the site offices
4. Height restriction of stockpiles
5. Hours of operation
6. Hours of plant and machinery maintenance, testing and repair
7. Landscaping of site boundary and species mix
8. Wheel washing facilities
9. Provision and delineation on site for loading, unloading, parking and turning of vehicles

10. Limit on baler / crusher use
11. Storage of materials
12. Burning of waste materials prohibited
13. Vehicles and mechanical plant to be fitted with effective exhaust silencers
14. Limit of area for activities and operations to take place
15. Sheeting of lorries to prevent debris on the road

### **3.00 CONSIDERATIONS**

- 3.01 Local Member - Councillor Fred Gillmore:  
Councillor Gillmore has spoken with the applicant and is now happy with this current application.

Llanasa Community Council:  
No objection.

Pollution Control:  
No adverse comments to make regarding these proposals.

Rights of Way:  
Public Footpath Number 43 in the community of Llanasa abuts the site but appears unaffected by the development, therefore no observations to make.

Ramblers Association:  
Provided that the adjacent right of way remains unaffected by the proposed development, the Ramblers Association would not object to the application.

Environment Agency Wales:  
The consultation response for application 048496 remains valid. No objection to the proposed development in principle, however, the Environment Agency Wales have the following comments for consideration:

The applicant must be able to demonstrate that the increased waste heights will not impact on the health and safety of site staff and third party visitors to the site.

The operator must also ensure that an increase in height limits at the site will not cause a breach to the conditions set under their Environment Permit (EAWML37134).

Countryside Council for Wales:  
Countryside Council for Wales (CCW) does not object to the proposal subject to the following issues being addressed.

The proposals will not affect, either directly or indirectly, the features, functionality or integrity of any statutory protected sites of ecological, geological or geomorphologic interest. The proposals will not be detrimental to the maintenance of the favourable conservation status of any statutory protected species present in the environs of the application site.

CCW note that as part of the proposals the applicant is to undertake supplementary planting at the site for landscape and screening purposes. This includes the planting of species such as *cotoneaster* and *leylandii* species. CCW advise that such species be avoided and that an appropriate native tree planting scheme is undertaken instead. The applicant may wish to contact Flintshire County Council's Tree Officer or Ecologist to discuss appropriate species selection.

The Garden History Society:

No comments to date.

Welsh Historic Gardens Trust:

The Welsh Historic Gardens Trust would object to this application if an increase in height resulted in the scrap metal becoming visible from the Talacre parkland.

Head of Assets and Transportation

No Objection. Recommend conditions including facilities for turning and parking of vehicles and the maintenance of a hardpaved area for loading, parking and turning within the site.

**4.00 PUBLICITY**

- 4.01 Site notice posted on 10th February, 2012 on telegraph pole opposite site entrance. Press Notice in The Chronicle on 23rd February, 2012 and Neighbour Notification. There have been no objections by local residents for this application.

**5.00 SITE HISTORY**

- 5.01 Enforcement notice alleging material change of use from quarry to scrap metal business in March 1962.

- Planning permission Y560 – Use for dismantling cars and firewood business granted October, 1964.
- Planning permission 435/83 – Tipping on land and use of new area for storage of metals granted October 1983.
- Planning permission 10/90 – Rebuilding of boundary wall granted February, 1990.

- Planning permission 1176/89 – Erection of garage and store granted March 1990.
- Planning permission 11/90 – Conservation Area Consent, rebuilding of boundary wall granted March, 1990.
- Planning permission 263/90 – Installation of septic tank granted April, 1990.
- Planning application 416/90 – Amendment of hours of working refused May 1990.
- Planning application 375/90 – Established Use Certificate file closed November, 1990.
- Enforcement notice served alleging contravention of condition attached to planning permission 435/83 regarding height of material stored on site. Appeal held in abeyance pending outcome of planning application 1240/90.
- Planning permission 1240/90 – Continuation of use of site as scrapyards without complying with conditions previously imposed granted February, 1991.
- Planning permission 41/94 – Extension to existing metals storage shed to provide additional storage area granted February, 1994.
- Planning application 1249/90 – Rebuilding of existing boundary wall and landscaping file closed February, 1995.
- Planning application 98/691 – Change of use from scrap yard to residential mobile home park file closed January, 1999.
- Planning application 04/37427 – Change of use from scrapyards to residential mobile home park withdrawn October, 2004.
- Planning application 05/39022 – Siting of 28 residential park homes together with associated landscaping refused May, 2005.
- Planning application 05/23/39997 – Siting of 22 no. residential park homes, together with landscape planting refused December, 2005 and dismissed by an informal hearing appeal August, 2006.
- Planning application 06/42230 – Change of use from scrapyards to siting of 17 residential park homes together with associated landscaping refused January, 2007 and dismissed by a written representations appeal April, 2007.
- Planning application 048496 - application for removal or variation of condition restricting stockpile heights to allow stockpiles of up to 8 metres above datum point. Refused dated 18 January 2012

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
Policy STR1 - New Development  
Policy STR2 – Transport and Communications  
Policy STR3 – Employment  
Policy STR7 - Natural Environment  
Policy STR10 - Resources  
Policy GEN1 - General Requirements for Development  
Policy GEN3 – Development Outside Settlement Boundaries  
Policy GEN4 – Green Barriers  
Policy GEN5 – Environmental Assessment  
Policy D1 – Design Quality, Location and Layout  
Policy D2 - Design  
Policy D3 - Landscaping  
Policy D5 – Crime Prevention  
Policy HE1 - Development Affecting Conservation Areas  
Policy HE5 – Protection of Registered Landscapes, Parks and Gardens of Special Historic Interest  
Policy AC2 – Pedestrian Provision and Public Rights of Way  
Policy AC13 – Access and Traffic Impact  
Policy EM1 – General Employment Land Allocations  
Policy EM3 – Development Zones and Principal Employment Areas  
Policy EM5 – Expansion of Existing Concerns  
Policy EM7 – Bad Neighbour Industry  
Policy EWP7 - Managing Waste Sustainably  
Policy EWP8 - Control of Waste Development and Operations  
Policy EWP13 - Nuisance

Waste development is also guided by Regional and National guidance, including:

Regional:

North Wales Regional Waste Plan First Review, 2009

National:

Planning Policy Wales 2011  
National Waste Strategy (2010)  
TAN 21 - Waste (2001)  
TAN 11 – Noise (1997)  
TAN 18 – Transport (2007)  
TAN 12 – Design (2009)

## **7.00 PLANNING APPRAISAL**

### **7.01 Site location:**

The site is located adjacent to the settlement of Gwespyr and is situated at the road junction of Tanrallt Road and another B Road, both of which lead to the A 548 Coast Road.

#### 7.02 Description of and the need for the development:

The scrapyards provide employment within the County. The site acts as a location for waste scrap metals which are sorted, recycled and reused or passed on for reprocessing. National planning objectives seek to minimise waste and to maximise its re-use and recycling close to source. The application is therefore consistent for the delivering of waste management within the County in both a social and economic context.

#### 7.03 Site boundaries:

The site is bounded to the adjacent highway by a stone wall. There is a belt of mature trees along the Northern and Western boundary of the site which shields the view of the site and the stockpiles. The site will be less shielded during the winter months when there are no leaves on the trees. Additional landscaping proposed as part of the application to supplement existing boundary tree belts assist in controlling any detrimental visual impact. The site is enclosed by Talacre Abbey Conservation Area and Gwespyr Conservation Area, however the site is not part of a conservation area or other sensitive area. Flintshire County Council Conservation Section were consulted on the application and have advised that if the application is to be approved a condition should require that notwithstanding the general 8 metre allowance, the scrap should not protrude above the quarry wall on its south and east sides. The opportunity should also be taken to require a slight expansion of the buffer strip between the storage area and the road and an increase of a further 3 metres along this edge, to be planted with a mix of native hardwoods and fast growing conifers, is recommended. The application site is located approximately 600 metres from the boundaries of the Clwydian Range Area of Outstanding Natural Beauty (AONB). Views from the AONB will not be affected by the development. There are no listed buildings on the site and the site does not contain any trees that are subject to a tree preservation order.

Public Footpath number 43 runs along the Northern site boundary. The footpath is protected from the site by a large steep bank which is heavily vegetated. The site is not visible from the footpath.

#### 7.04 Environmental assessment:

It was not considered that the nature and scale of the proposal involved issues of more than local importance and consequently Environmental Impact Assessment was not required. An environmental statement is not required as the site area is below the appropriate thresholds.

The application makes efficient use of previously developed land and

is located close to an existing settlement. The deposit, recycling and re-use of metals is inherently a sustainable activity.

7.05 Pollution Control

Drainage arrangements for the site would remain unchanged.

7.06 Wildlife conservation:

There are no known protected species on the site.

7.07 Access:

The site is situated at the road junction of Tanrallt Road and another B Road, both of which lead to the A 548 Coast Road. The A 548 is also a key bus route. The existing vehicle movements by a variety of commercial vehicles would continue unaltered. The existing vehicular access point would also remain unaltered. Off-road parking is available for staff and visitors to the site within the site boundary. Since application 048496 was refused, parking spaces have been created on site to address previous Member concerns. The site is not open to members of the public other than under controlled circumstances and the site is only open to customers during normal business hours. Outside of these hours alarm systems and possibly CCTV would be used to monitor the site. This is a measure for the prevention of crime. There is no other public access over the land.

7.08 Policy context:

It is considered that the development is in compliance with all the relevant policies in terms of location and design and as a facility for the management of waste. The development will continue to assist in the achievement of Welsh Government waste recycling, diversion of waste from landfill and sustainability objectives. The development is in accordance with the objectives and policies set out in the Flintshire Unitary Development Plan which supports waste reduction by encouraging reduction in the amount of waste generated and it supports schemes which re-use and recycle waste materials. Policy EWP7 - Managing Waste Sustainably and Policy EWP8 - Control of Waste Development and Operations are particularly relevant to the proposed development. The North Wales Regional Waste Plan states that there is a need to ensure a network of facilities to assist with waste minimisation. The Councils objectives also reflect Welsh Government policies which provide for sustainable waste management and disposal.

7.09 Amenity and nuisances:

Issues that have been raised in the past by the Local Member and local residents are an increase in traffic, an increase in noise, an

increase in the height of storage, a visual impact due to the increased height, debris on the road from the lorries, lorries blocking the road and drives to residential properties, insufficient roads to accommodate the lorries, lorries bringing down overhead cables, in breach of permitted operating hours. These issues are general site issues and as the height of the stockpiles is currently 8 metres and has been for approximately the last nine months, these issues should not be exacerbated by the proposal to retain the stockpiles at this height. It would appear that the Highway Authority of Clwyd County Council was not consulted on the Original proposal approved under reference 1240/90 (dated 28<sup>th</sup> February 1991). There were no control measures imposed as part of the original planning consent in relation to highway conditions. There are no restrictions imposed on the current planning permission in relation to the amount of waste material that can be stored on site or the quantities of waste material transported to or from the site. There are also no restrictions imposed on the movement of waste, the size of vehicles permitted to move the waste or the frequency of movements. The only relevant condition in terms of highways is the provision of wheel washing facilities in order to prevent dirt and mud from the site causing a hazard to vehicles on the highway. New conditions are proposed to introduce improvements on traffic turning/loading and parking within the site, including dedicated parking, areas, and hard surfacing of loading areas.

The applicant advises that he is not aware of any such issues within the community of complaints regarding highway use.

The applicant has been unable to secure definitive figures for the level of traffic generation whilst scrap was at 4.6 metres high. The applicant advises that the site is currently visited by between 1 and 2 HGV vehicles per working day and approximately 5-8 smaller vehicles (such as flat beds pick-ups and the like). Typical movements are therefore in the region of 10 per day – although this figure varies from day to day.

#### 7.10 Visual Impact:

The site is set in a former sandstone quarry that provides some reduction in the visual impact. The site is bounded to the adjacent highway by a stone wall and there is a belt of mature trees along the Northern and Western boundary of the site which shields the view of the site and the stockpiles. The site will be less shielded during the winter months when there are no leaves on the trees. The boundary tree belts assist in controlling any detrimental visual impact. Further to the refusal of application 048496 on the grounds of visual impact a new belt of planting is proposed to be undertaken to the south of the site. This is to mitigate the visual impact of an area where the scrap storage area can be viewed from the main road. The landscaping proposals comprise a belt of deciduous and evergreen planting to the

south of the site. The planting proposed comprises of a mix of quick growing species, for example, *Leylandii*, *Ligustrum Superbum*, which is a quick growing evergreen privet, or silver birches (*Betula Pendula*) and Scots Pine (*Pinus Sylvestris*) interplanted in two rows 4.5 metres (15 feet) apart. To increase the effectiveness of the landscaping the two rows would be underplanted with cotoneasters, *Ilex aquifolium* (holly) and poplars which could be removed as the screen develops. Some of the species are not considered appropriate, notwithstanding that there are already long established *Leylandii* and Cypress evergreen boundary planting, which suffers a disadvantage that it eventually becomes unwieldy and over dominant if not managed. The species mix would be controlled by a condition to ensure that a balance of screening and longer term aesthetics are maintained given that site is close to the Conservation Areas and historic gardens and the AONB.

The site is not visible from Public Footpath number 43 that runs along the Northern site boundary. The footpath is protected from the site by a large steep bank which is heavily vegetated.

As the height of the stockpiles is currently 8 metres and has been for approximately the last nine months the visual impact should not be exacerbated by the proposed retention of the stockpiles at this height.

7.11

BPEO:

The Council must be satisfied that the development proposal is the Best Practical Environmental Option (BPEO) for the waste, management processes and location. The site is an existing operation and is capable of servicing scrap waste from across the County

**8.00 CONCLUSION**

8.01 The site is covered by appropriate Environmental Permitting regime which will need to be amended as appropriate. The development is in accordance with the objectives and policies set out in the Flintshire Unitary Development Plan. Policy EWP7 – Managing Waste Sustainably and Policy EWP8 - Control of Waste Development and Operations are particularly relevant to the proposed development. It is recommended therefore that permission be granted for the development.

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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