

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24/02/2016**

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

SUBJECT: **PROPOSED NEW VEHICULAR ACCESS TO PARRY'S QUARRY, OFF PINFOLD LANE, ALLTAMI**

APPLICATION NUMBER: **054050**

APPLICANT: **MOLD INVESTMENTS LTD**

SITE: **PARRY'S QUARRY, PINFOLD LANE, ALLTAMI**

APPLICATION VALID DATE: **27/07/2016**

LOCAL MEMBERS: **CAROL ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY MOUNTAIN**

REASON FOR COMMITTEE: **MEMBER REQUEST DUE TO THE IMPACT ON HIGHWAYS AND NEARBY BUSINESSES AND RESIDENTIAL PROPERTIES**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 Planning permission was granted on appeal for the construction and operation of a solid waste landfill, local authority reference number 042468 and appeal reference APP/A6835/A08/2068136. The Applicant proposes to create a new access to the site further to the north than the existing access. The use of the site would remain unchanged as a result of this planning application, as would other aspects of the development such as the type and volume of waste to be managed at the site.
- 1.02 The proposed access would be located approximately 290m to the north of the A494/Pinfold Lane junction and has been constructed in

part already. The revised access would have no greater impact than the existing in terms of local amenity and would actually cause less disruption to the operation of the junction. The creation of the access has necessitated the removal of a number of trees which provide an important visual screen between the site and users of Pinfold Lane and it is therefore important that appropriate landscaping is secured to minimise the visual impact of the new access.

- 1.03 This application has been submitted alongside a Section 73 application to enable the proposed access to be used to serve the site for the access and egress of HGVs, reference number 054135. In the event that application 054135 is refused, this application should be refused.

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

2.01 Conditions:

- 1) Stating that commencement shall be from the date of the permission.
- 2) The inclusion of a time limit, linked to the end date of the landfill.
- 3) Development shall be carried out in accordance with the approved plans and documents.
- 4) Confirmation that the conditions attached to this permission shall in no way invalidate conditions attached to the landfill permission.
- 5) Scheme detailing highway improvement works on Pinfold Lane.
- 6) Secure highway improvements prior to the receipt of waste.
- 7) Scheme for the turning of vehicles.
- 8) Scheme for the prevention of run-off of surface water onto the highway.
- 9) Condition to secure implementation of the surface water scheme.
- 10) Condition preventing drainage from the site connecting to the highway.
- 11) Scheme for the provision of wheel wash facilities.
- 12) Retention of adequate visibility splays.
- 13) Details of gates
- 14) Requiring the submission of a landscaping scheme.
- 15) The submission of a scheme to secure mitigation for protected species.

3.00 CONSULTATIONS

- 3.01 Local Member: Request that the application be referred to Planning Committee due to the impact on the highway and nearby businesses and residential properties.

Town/Community Council: The original planning permission was for a landfill site. The applications (054050 and 054135) appear to be

moving away from that original planning application. Believe that the traffic light junction with the A494 still requires to be changed and upgraded due increases in traffic flows. Request a site visit to consider the impact of current and future vehicle movements on the highway as it currently stands and the environmental and visual impact of the proposed changes.

Hawarden Community Council: No objection

Head of Assets and Transportation: The proposed position, being sited away from the Pinfold Lane /A494 trunk road junction, is likely to cause less disruption to the operation of the junction and is considered to be in a better location than the existing access. The drawing submitted with the application shows visibility splays of 2.4x188m to the north and 2.4x215m to the south; visibility to this extent is not available without removing several trees and existing hedgerows. Hedges along the site frontage have recently been trimmed and maximum available visibilities of 2.4x135m (north) and 77m (south) have been measured. Due to the alignment of the road on the approach from the south, it is unlikely that vehicles will be overtaking in this location and relaxation of visibility to the centre-line could be considered. Visibility of 2.4x102m is available to the centre-line but on-coming traffic is visible over a distance of 215m.

The speed of traffic approaching from the south was assessed to be in the order of 30mph whilst that from the north in the order of 40mph. The available visibility splays of 2.4x135m and 2.4x77m are therefore considered appropriate.

Recommend the inclusion of conditions to secure the above visibility splays, ensure gates are suitably located and to secure the provision of wheel wash facilities.

Environmental Health Officer: No objection. There are no residential properties adjacent to the access point, which is located further away from the nearest residential properties than the existing access. There are controls in place which would ensure that the activity within this part of the site would not cause a nuisance.

County Ecologist: No objection subject to the inclusion of a condition to secure Reasonable Avoidance Measures and mitigation for great crested newts.

Forestry Officer: No objection subject to the inclusion of a condition to secure a landscaping scheme.

Natural Resources Wales: No objection subject to the inclusion of a condition to secure an amphibian avoidance, mitigation and compensation scheme

Drainage: No observations

Welsh Government Transport Division: Initially issued a direction that permission be withheld pending the submission of suitable information/evidence, which concludes that no further improvements to the A494/Pinfold Lane Junction are necessary. Following the submission of additional information, removed the direction and now direct that any planning permission shall include a number of conditions to secure adequate provision for vehicles to turn, wheel washing facilities, full details of the highway improvement works, and measures to prevent drainage from flowing onto the trunk road.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

2 objections received regarding:

- Suitability of Pinfold Lane for HGVs
- Ability of two lorries to pass each other
- Lorry movements closer to sensitive receptors
- Past performance of the operator with respect to hours of operation and noise
- Total vehicle movements will not change so improvements on the Pinfold Lane /A494 junction still required

5.00 SITE HISTORY

5.01 The proposal site was previously worked under a mineral permission which is subject to an undetermined ROMP.

042468 Construction and operation of a solid waste landfill with associated infrastructure and enhanced site access granted on appeal, reference APP/A6835/A/08/2068136.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN 1: General requirements for development

GEN 3: Development outside development boundaries

D3: Landscaping

D4: Outdoor lighting

WB1: Species protection

WB2: Sites of International Importance

WB3: Statutory Sites of National Importance

AC13: Access and Traffic Impact

EM5: Expansion of existing concerns

EM7: Bad Neighbour Industry

EWP6: Areas of Search for Waste Management

EWP7: Managing Waste Sustainably

EWP8: Control of Waste Development
EWP11: Development on or adjacent to landfill sites
EWP16: Water Resources

Planning Policy Wales Edition 7
Technical Advice Note 5: Nature Conservation and Planning (2009)
Technical Advice Note 18: Transport
Technical Advice Note 21: Waste

7.00 PLANNING APPRAISAL

7.01 Principle

The proposed access is a minor change and would not result in a change in the use of the site. The principle of a landfill in this location has already been established through the grant of planning permission 042468. The landfill permission includes conditions which would secure complete restoration of the site following the cessation of landfilling for the purposes of nature conservation and public open space. In order that the proposed development does not compromise the overall restoration of the site it is recommended that a condition is included which links the proposed development to the landfill permission and which requires restoration of the site following the cessation of landfilling. Subject to the inclusion of the conditions identified above the principle of the development in this location is considered acceptable.

7.02 Highways

Pinfold Lane is an unclassified road with a 60mph speed limit. The road connects with the A494 Trunk Road, approximately 290m south of the proposed new access. Parry's Quarry has planning permission to operate a landfill which is in the process of being constructed utilising the existing quarry access for all vehicles. The new access would be for the access and egress of Heavy Goods Vehicles (HGVs) whilst the existing quarry access would be retained for light vans and cars. The new access would help reduce any conflict between the operation of the junction and the access.

7.03 The drawings submitted with the application show visibility splays of 2.4m x 188m to the north and 2.4x215m to the south, however, visibility to this extent is not available without removing several trees and existing hedgerows. Hedges and trees along the western boundary have been removed and/or cut back giving a measured visibility splay of 2.4x135m to the north and 77m to the south. Due to the alignment of the road on the approach from the south, it is unlikely that vehicles will be overtaking in this location and a relaxation of visibility to the centre line could be considered. Visibility of 2.4mx102m is available to the centre line but on-coming traffic is visible over a distance of 215m. The speed of traffic approaching from the south was assessed to be in the order of 30mph whilst that from the north in the order of 40mph. The available visibility splays of 2.4mx135m and

2.4mx77m are therefore considered appropriate in this instance.

- 7.04 In response to the publicity on the application some concern has been raised by members of the public regarding the suitability of Pinfold Lane to serve Heavy Goods Vehicles (HGVs) given its width. The Applicant has submitted swept path analyses for the proposed access which shows that whilst two HGVs can pass there is limited spare width along Pinfold Lane. The Highways Officer has advised that the road is already used by HGVs and two HGVs are able to pass, however, such vehicles would need to modify their speed in order to pass safely. If an HGV wanted to exit the proposal site whilst an HGV was travelling north along Pinfold Lane, due to the width of the road the vehicle exiting the site would need to wait for the travelling HGV to pass before exiting. The highways officer has not objected to the proposal subject to the inclusion of conditions to secure the visibility splays identified above, to ensure the gates are appropriately designed and operated, and to secure wheel washing facilities.
- 7.05 Welsh Government has not objected to the proposal subject to the inclusion of conditions to secure improvement works to Pinfold Lane, the provision of wheel washing facilities, adequate provision for vehicles to turn around and prevention of drainage from the site being discharged to the trunk road.
- 7.06 Subject to the inclusion of conditions to address the points raised above, the proposal is considered acceptable in highway terms, in accordance with policy AC13 of the adopted Flintshire Unitary Development Plan.
- 7.07 **Landscape**
The proposed access is located approximately 290m along Pinfold Lane and is located within a line of semi-mature trees which extend along much of the western periphery of the quarry. There is a landscape scheme for the landfill permission which has been approved under reference 051472. The planting along the western side of the site provides an important visual screen, some of which has been removed to facilitate the creation of the new access and some of which has been thinned, reducing the density of the screening. The creation of an access at this point opens up views into the site, making the site clearly visible to the users of Pinfold Lane. There are no landscape designations which would be affected by the proposal and any visual impacts would be limited due to the location of the entrance. Nevertheless, in order to minimise the visual impact of the new access it is recommended that a condition is included to secure additional landscaping.
- 7.08 The landscape and tree officer did not object to the proposal but made a number of detailed observations regarding the current state of the landscaping as a result of the creation of the new access and due to the removal of trees and vegetation along the perimeter fence.

Additional planting and management of the vegetation on the western periphery is considered necessary to help mitigate the impact of the new entrance. Whilst the Section 73 application, 054135 could be used to secure additional landscaping for the entire site, it is considered more appropriate to require further detail in relation to this application to ensure that the landscaping relates specifically to the entrance and to enable implementation to be linked specifically to the creation of the entrance and its use rather than the entire site.

7.09 Subject to the inclusion of conditions to address the matters identified above, the proposal is considered acceptable with respect to landscape, in accordance with policy GEN 1 of the adopted Flintshire Unitary Development Plan.

7.10 **Amenity**

Concern has been raised by members of the public regarding the impact of allowing a new access to be used as this will change where activity within the site will occur. The new access would be located at least 350m from the closest residential properties, Parry's Cottages and is considered to have no further impact on amenity than the existing access which is just under 300m from Parry's Cottages. The Environmental Health Officer has not raised concern regarding the proposal subject to the retention of the original noise conditions, which is secured under the main landfill consent.

7.11 **Ecology**

The Buckley Claypits and Commons Site of Special Scientific Interest (SSSI) and Deeside and Buckley Newt Sites Special Area of Conservation (SAC) is located in close proximity to the site. A scheme to secure mitigation for the landfill works was secured under reference 051710 and the site as a whole requires a licence under Regulation 53 of the Habitats Regulations. Both NRW and the County Ecologist have recommended that a condition is included to secure Reasonable Avoidance Measures and mitigation for protected species. Subject to the inclusion of a condition to secure the matters referred to above, the proposal is considered acceptable with respect to protected species, in line with policies GEN 1, WB1, WB2 and WB3 of the adopted Flintshire Unitary Development Plan.

7.12 **Environmental Impact Assessment**

The landfill planning permission, reference 042468, was subject to Environmental Impact Assessment as it fell within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 as amended. The proposed development comprises a change to the development and has been considered against category 13(a) of Schedule 2: Changes or extensions to development within Schedule 2.

7.13 The creation of a new access into the site is not considered to trigger the need for EIA in this instance. Any impacts are localised and can

be addressed through condition.

8.00 CONCLUSION

- 8.01 The use of the site for waste management is well established through the grant of planning permission 042468. The proposal would not change the use of the site and would be better located than the existing location as its location away from the Pinfold Lane/A494 junction is less likely to cause disruption to the operation of the junction. The proposal would have a visual impact on the local area which could be mitigated through the use of additional landscaping.
- 8.02 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
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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