

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **24<sup>TH</sup> FEBRUARY 2016**

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

**SUBJECT:** **APPLICATION TO VARY CONDITION 4 ATTACHED TO PLANNING PERMISSION REF: 043879 RELATING TO HOURS OF WORKING AT UNIT 8A – 8B, ANTELOPE INDUSTRIAL ESTATE, RHYDYMWYN**

**APPLICATION NUMBER:** **053957**

**APPLICANT:** **DISPLAY RECYCLING LTD.**

**SITE:** **UNIT 8A – 8B, 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 December, 2007 planning permission was granted for the processing of cathode ray tube glass from TV's and monitors; storage of raw materials and finished product at Unit 8a-8b, Antelope Industrial Estate in Rhydymwyn near Mold under planning reference 043879. This planning application is to vary a condition on the permission that was granted in 2007 due to operational changes in the business that proposes to increase both the hours for deliveries to and from the the site and 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 in accordance with the application forms, documents and plans.
  3. Materials to be used to be agreed in writing by the Local Planning Authority.
  4. Hours of working.
  5. Noise control measures scheme.
  6. Dust mitigation.
  7. Open-air storage for materials scheme.
  8. External lighting mitigation.
  9. Facilities for the storage of oils, fuels or chemicals.
  10. Heavy goods vehicles in forward gear entering and leaving the site.
  11. Facilities to be provided and maintained within the yard area behind the building for the loading, unloading, parking and turning of goods vehicles.
  12. Ground contamination survey on cessation of the use and operations.

**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 offer no objection to the proposed development.

### **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 effects 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 re-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:

**MR/569/75:** The outline planning permission for the development of the industrial estate granted in December, 1975.

**3/MR/500/81:** The erection of the factory and offices within the current application site was granted in June, 1981.

**043879:** The processing of cathode ray tube glass from TV's and monitors; storage of raw materials and finished product was approved at Planning Committee on 14<sup>th</sup> November, 2007.

**050377:** Erection of a steel open fronted building.

## **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 (2016); 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 The site is located in the Antelope Industrial Estate which is to the south east of the village of Rhydymwyn. Units 8a and 8b are situated in the southern part of the industrial estate. The industrial estate is in a predominantly rural location, however, there is a substantial disused defence works that is located to the west of the industrial estate, now a nature reserve. The application site is an existing waste management site and is located to the south of the applicant's adjacent site at Unit 6.

### Description of and the Need for the Development:

- 7.02 Condition 4 of the planning permission is the condition that is proposed to be amended. The current condition reads:

*Except with the prior written agreement of the Local Planning Authority:*

- (i) no heavy goods vehicles shall enter the site before 0800 hours or leave the site between 1800 hours and 0800 hours Mondays to Saturdays inclusive, or at any time on Sundays or Public Holidays;*
- (ii) no unloading of imported waste materials or loading of product, or other materials for recycling or residual waste materials shall take place between 1800 hours and 0800 hours Mondays to Saturdays inclusive or at any time on Sundays or Public Holidays;*
- (iii) no powered plant or equipment shall be operated outside the building between 1800 hours and 0800 hours Mondays to Saturdays inclusive or at any time on Sundays or Public Holidays except as provided for in paragraph (iv) below;*

- (iv) *powered plant and equipment for the transfer of imported waste from the receiving pad into the building and the transfer of bagged product from the building to storage may be used at any time and on any day, subject to the provisions of Condition 5 below;*
- (v) *maintenance and repair work outside the building in connection with the operations hereby permitted shall take place between 07.00 hours and 21.00 hours on any day, subject to the provisions of Condition 5 below.*

7.03 It has become necessary to increase the operational hours at the site due to the changing operational requirements of the site operator. It is therefore proposed to substitute the current limits that are stipulated in Condition 4 to read as follows:

*Except with the prior written agreement of the Local Planning Authority:*

- (i) *no heavy goods vehicles shall enter the site before 0700 hours or leave the site between 1900 hours and 0700 hours Mondays to Saturdays inclusive, or at any time on Sundays or Public Holidays;*
- (ii) *no unloading of imported waste materials or loading of product, or other materials for recycling or residual waste materials shall take place between 1900 hours and 0700 hours Mondays to Saturdays inclusive or at any time on Sundays or Public Holidays;*
- (iii) *no powered plant or equipment shall be operated outside the building between 1900 hours and 0700 hours Mondays to Saturdays inclusive or at any time on Sundays or Public Holidays except as provided for in paragraph (iv) below;*
- (iv) *powered plant and equipment for the transfer of imported waste from the receiving pad into the building and the transfer of bagged product from the building to storage may be used at any time and on any day, subject to the provisions of Condition 5 below;*
- (v) *maintenance and repair work outside the building in connection with the operations hereby permitted shall take place between 07.00 hours and 21.00 hours on any day, subject to the provisions of Condition 5 below.*

7.04 The proposal is to increase the times that the site is able to accept incoming and outgoing deliveries and operate outside 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 increase the throughput capacity which will enable the site operator to grow the

business and secure and create further local jobs. It would mean continuing to managing this specialise waste higher up the Waste Hierarchy.

- 7.05 Originally, the applicant applied to include Sundays 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

- 7.06 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.

#### Environmental Assessment

- 7.07 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.

#### Pollution Control

- 7.08 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.

- 7.09 The deposit of material on the access road or public highway is 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.

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

### Access

- 7.11 The access to the industrial estate is directly off the A541 Denbigh Road. The access to the site is then from the private 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.
- 7.12 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

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

### Amenity and Nuisances:

- 7.14 The development has the potential to generate both noise and dust, which are subject to existing planning and Environmental Permit controls and has been the subject of past complaint relating to dust and noise. The level of noise at sensitive locations is compliant with the existing noise condition for day time operations (daytime being defined as 0700 to 2300 hours). However this proposal only seeks the variation of condition to allow an additional hour for deliveries to be made in the morning and the evening, together with associated outside working, and does not require the introduction of new plant and machinery or methods of working. The existing permitted operations are unaffected.
- 7.15 The proposed change to the times that deliveries of cathode ray tube glass can be made, and bagged product and process wastes can be removed, will not cause an increase to the permitted noise levels, but it will extend the time that noise from these sources can be generated. Noise associated with the extended delivery and outside working hours includes HGV manoeuvring, loose tip unloading in to a defined covered receiving pad, loading of bulk bagged glass sand product and bagged waste by fork lift truck, and the removal of process wastes such as steel bands, and will include movement of material between Unit 8 and Unit 6 which is adjacent and in the same ownership.
- 7.16 Outside working can also include the operation of a front loading shovel used to move loose material and feed it into the building. A stockpile of leaded glass washings currently located along the rear of the site in the process of being removed for re-washing in a recently upgraded washing plant which became operational in January 2016, and once removed, the need to operate the loading shovel outside will generally be confined to the existing permitted glass receiving pad and the rear entrance to Unit 8. The transfer of glass from the receiving pad into the Unit 8 is also changing to the use of a conveyor, which will further limit the need to operate heavy plant outside. The glass



processing operations take place within the main building and are permitted for 24 hours, 7 days a week, and are unaffected by the proposed changes. A noise assessment has been undertaken by the applicant to assess the potential impact of the change and has concluded that the operations will not result in an increase in noise levels that will exceed the permitted noise levels set at noise sensitive premises.

- 7.17 The site has been the subject of a number of dust complaints. These relate to being able to see dust rising up from the site and do not relate to off-site dust affecting sensitive properties. Dust from this site is in the form of fugitive dust, which is from spillages during loading, or from the running surface, and is controlled by sprays and general housekeeping. Other dust is generated as loose tipped glass is unloaded, and the dry phosphorescent coating and house dust attached to the rear of the tubes is released, and is intermittent. This dust is controlled by a misting system. Whilst there is always a risk of unintended dust releases, the site is not causing dust problems off-site, and are subject to other controls imposed by both planning conditions and an Environmental Permit regulated by Natural Resources Wales. The immediate area around the site is clean and there is no evidence of dust accumulations from this site. The proposed changes will not affect the risk of dust generation and its control measures.

#### Setting and Context

- 7.18 The existing development is unaltered and is a compatible use and operation with the surrounding small industrial estate located at the edge of the settlement, and which has a mix of B1,B2 and sui generis land uses.

### **8.00 CONCLUSION**

- 8.01 Extending the time that the site can accept deliveries and outside working will give benefits to the operations of the applicant. The activities that would arise as result of the change are capable of being carried out without causing nuisance to nearby businesses and residents, and will continue to be controlled by conditions and under the terms of an Environmental Permit regulated by Natural Resources Wales.
- 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 19<sup>th</sup> 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 3 December, 2015.
- ix. Amended Planning Statement received by Flintshire County Council on 3 December, 2015.

National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

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