

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **16<sup>TH</sup> NOVEMBER 2016**

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

**SUBJECT:** **APPEAL BY THORNCLIFFE BUILDING SUPPLIES LIMITED AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE VARIATION OF CONDITION NO. 10 (EXTENSION TO WORKING HOURS) AND CONDITION NO. 26 (INCREASE HEIGHT OF STOCKPILES) ATTACHED TO PLANNING PERMISSION 052359 AT FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNS INDUSTRIAL ESTATE, MOLD ROAD, EWLOE – ALLOWED.**

**1.00 APPLICATION NUMBER**

1.01 054536

**2.00 APPLICANT**

2.01 Thorncliffe Building Supplies Limited

**3.00 SITE**

3.01 Flintshire Waste Management, Ewloe Barns Industrial Estate, Mold Road, Ewloe

**4.00 APPLICATION VALID DATE**

4.01 03/11/2015

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the decision of the Planning Inspectorate on an appeal which followed the refusal by members of the Planning Committee against officer recommendation of an application for the Variation of Condition No. 10 (Extension to Working Hours) and Condition No. 26 (Increase Height of Stockpiles) Attached to Planning Permission 052359. Note condition 26 was withdrawn prior to determination by Planning Committee. The appeal was considered under written representations and was ALLOWED, granting planning permission without compliance with condition number 10 which

related to the hours of operation, but subject to the following condition:

*10 ) For a period of six months starting from the date of this permission the receipt of waste and tipping of waste within the transfer building, including the manual sorting of waste, shall be restricted to:*

- *0600-1900 hours Monday to Saturday*
- *1000-1700 hours Sunday*

*All other activities, including crushing and screening and processing of waste in the open air, shall be restricted to:*

- *0700-1800 hours Monday to Saturday*
- *No working on Sundays or Christmas Day, except for repair, maintenance and testing which shall only be carried out between 0900-1700 hours.*

*Following the period of six months identified above, the hours of operation shall revert back to those contained within condition 10 of planning permission 052359.*

## **6.00 REPORT**

6.01 The inspector considered the main issue to be in this case:

- The effect of varying the condition would have on the living conditions of nearby residents in relation to noise and disturbance.

6.02 The site is a waste management facility located within the southern part of the Ewloe Barns Industrial Estate, a well-established industrial estate which accommodates a number of different uses. The appeal site is set away from residential properties with the nearest sensitive receptors located at Parry's Cottages, approximately 220m to the north, separated from the appeal site by the A494 trunk road. Other properties considered include Oaks Farm, approximately 300m to the west of the appeal site and residential properties along Smithy Lane, approximately 390m to the east of the appeal site.

6.03 The Inspector agreed with the methodology which was used to assess the impact of the development on nearby sensitive receptors and the sensitive receptors which were selected for the assessment. He noted that the assessment identified that there would be no significant impact on sensitive receptors as a result of the variation and that Local planning policies GEN 1(d), EWP 8(b) and (f) and EWP 13 generally require that an impact be significant. He also noted the 6 month period would allow any concerns regarding uncertainty to be addressed through a full assessment.

## **7.00 CONCLUSION**

7.01 The Inspector concluded that varying the condition for a period of 6 months would not harm the living conditions of nearby residents in relation to noise and disturbance and that the appeal should be ALLOWED.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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