

FLINTSHIRE COUNTY COUNCIL

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

DATE: **22nd FEBRUARY 2017**

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

SUBJECT: **FULL APPLICATION – ERECTION OF WASTE TRANSFER BUILDING AND STORAGE BAYS, FORMATION OF ADDITIONAL HARD STANDING AND RETENTION OF BOUNDARY FENCING AT FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNS INDUSTRIAL ESTATE, MOLD ROAD, EWLOE**

APPLICATION NUMBER: **055411**

APPLICANT: **THORNCLIFFE BUILDING SUPPLIES LTD**

SITE: **FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNS INDUSTRIAL ESTATE, MOLD ROAD, EWLOE, DEESIDE, CH7 6NY**

APPLICATION VALID DATE: **06/06/2016**

LOCAL MEMBERS: **COUNCILLOR C. ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This proposal is for the erection of a waste transfer building on an existing waste management site within an established industrial estate. The proposal would comprise the erection of a waste transfer building, construction of concrete push walls and retention of fencing. The proposal would not result in any change to the nature and tonnage of waste types which can be managed at the site.
- 1.02 The proposal would help secure significant improvements to the

operation of the site, reducing the impact of the current operation on local amenity by bringing the management of residual household black bag waste within a fully enclosed building. The proposed building would be visible from outside of the site, however, the building is in keeping with other buildings on the industrial estate and is therefore considered to have a limited visual impact in the locality. Subject to the inclusion of conditions to minimise the impact of the proposal on the amenity of local residents, the proposal is considered to be acceptable, in line with the policies of the adopted Flintshire Unitary Development Plan.

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

- 2.01
1. Commencement.
 2. List of relevant documents and plans.
 3. Restriction on permitted development rights.
 4. Limit tonnage of waste which can be received at the site to 75,000tpa.
 5. Contaminated land.
 6. Noise limits.
 7. Hours of operation.
 8. Submission of a landscape scheme.
 9. Retention of trees along the eastern boundary of the site.
 10. Details of fencing.
 11. Submission of an ecological compliance audit scheme for protected species.
 12. Submission of a biosecurity risk assessment.
 13. Highways – restriction on number of vehicles which can access the site.
 14. Highways – provision of wheelwash facilities
 15. No dust, dirt and debris to enter the public highway.
 16. Details of lighting.
 17. Colour of building to be juniper green.
 18. Height of stockpiles to be limited to 5m.
 19. Restriction on area of available floor space which is occupied by stockpiles to 50%.
 20. Submission of a scheme to control dust.
 21. Drainage – submission of a detailed drainage scheme which shall be submitted to and approved in writing before construction of the building hereby approved.
 22. Require proposed repairs to discharge pipe to be undertaken prior to construction of the transfer building.

3.00 CONSULTATIONS

- 3.01 Local Member: Request that the application is referred to Planning Committee due to the impact on residents and environment and requests a site visit due to impacts on Alltami and Liverpool Road area.

Town/Community Council: No comments received at time of writing report.

Hawarden Community Council: No objections in principle. However, the Council wished to lend its support to any comments submitted by Councillor Carol Ellis as adjoining ward member.

Head of Assets and Transportation: Advise that access remains to be derived from the trunk road network within the jurisdiction of Welsh Government. As the proposal will not have any significant impact on the County road network, have no objection to the proposal and confirm no recommendation on highway grounds.

Head of Public Protection: No adverse comments. The noise report submitted in support of the application demonstrates that noise levels at noise sensitive properties will be below background. Advise that existing conditions are attached to any permission granted. In relation to contaminated land, advise that further information should be secured by condition.

Tree Officer: The new building would be close to the boundary and has the potential to impact on the trees along the eastern boundary which are important for mitigation. The information submitted in support of the application demonstrates that this is necessary and that mitigation can be undertaken to prevent damage to the trees. No objection subject to the inclusion of conditions to secure further details in terms of landscaping, as well as a condition requiring a management plan for the landscaping, including existing trees on a bi-annual basis. A general condition requiring the protection of trees and adherence to the tree protection measures will also be required.

Ecology Officer: Consider that the SAC features would not be affected by the proposed development. Mitigation has been carried out as part of application 052359 to avoid any effects on the SAC. It is however essential that the newt fencing ties into the new building to prevent there being any gap into the site.

Drainage Officer: Advises that the proposed measures to attenuate water within the site are acceptable in principle, but should be conditioned to secure further detail. Considers that the existing outfall drain is not in a suitable condition to sustainably discharge flows from the development and that improvements should be secured prior to the commencement of works.

Welsh Water/Dwr Cymru: Note that the Applicant does not intend utilising mains drainage and therefore do not wish to comment in relation to the discharge of foul sewerage. Make a number of advisory comments which should be drawn to the attention of the Applicant.

Natural Resources Wales: Advise that the proposed activity should be covered by the existing environmental permit. Recommend that planning permission is only granted if conditions are attached to address contaminated land given the past uses on the site. Advise that great crested newts have previously been recorded in the pond located close to the boundary of the application site. Confirm that they are satisfied with information and mitigation secured in respect of previous applications on the site and that no further mitigation is required.

Welsh Government Trunk Road: Direct that any permission granted shall include the following conditions:

- The number of movements associated with the site shall be limited to 160 per day. Subsequently confirmed that the existing limit imposed in relation to the site should apply.
- The applicant shall provide wheel washing facilities at the site exit. Such facilities shall thereafter remain available and be used by all vehicles exiting the site.
- All incoming waste streams must remain within the 75,000 tonnes per annum.

In addition to the above conditions, request that a number of detailed points should be brought to the attention of the applicant.

Local Issues Action Group: Request that the external wall of C6 to be at least 4m high and painted green to match cladding to reduce the visual impact of the development. Doors to be fitted and no waste to be stored outside the buildings. Measures to be taken to prevent seagull population. Access roads to be metalled to reduce impact of dust exiting the site.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

Objection received on the following grounds:

Nuisance;

Odour;

Birds/vermin/seagulls;

Litter;

Dust;

Hours of operation;

Noise;

Highway concerns;

Visual Impact;

Concerns regarding enforcement of planning conditions by Local Planning Authority.

5.00 SITE HISTORY

5.01 **038502: Approved on the 7th of April 2005 for the Change of Use from**

vacant industrial to skip hire yard/extension of existing waste transfer and recycling facility and associated building works (partly in retrospect).

- 5.02 **052359:** Approved on the 14th October 2015 for the extension of an existing waste management site, the retention of a new waste transfer building and associated infrastructure.
- 5.03 **054536:** Refused on 26/04/2016 and subsequently granted on appeal, reference APP/A6835/A/16/3151569 on 07/10/2016 application for variation of conditions 10 and 26. N.B. approval allows extended hours of operation for a period of 6 months.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
GEN 1: General Requirements for Development
GEN 2: Development inside Settlement Boundaries
D3: Landscaping
D4: Outdoor lighting
WB1: Species Protection
WB2: Sites of International Importance
WB3: Statutory Sites of National Importance
AC7: Protection of Disused Railway Lines
AC13: Access and Traffic Impact
EM3: Development Zones and Principal Employment Areas
EM5: Expansion of existing concerns
EM7: Bad Neighbour Industry
EWP6: Areas of Search for New Waste Management Facilities
EWP7: Managing Waste Sustainably
EWP8: Control of Waste Development and Operations
EWP11: Development on or Adjacent to landfill sites
EWP14: Derelict and Contaminated Land
EWP16: Water Resources
EWP17: Flood Risk

7.00 PLANNING APPRAISAL

7.01 Introduction

- 7.02 The proposal would comprise the following principle elements:
- The erection of a steel portal, split level, waste transfer building with profiled metal cladding and concrete walls which would measure 81m length x 61m width x 10.3m to the eaves and 13.8m to the ridge, in an irregular 'T' shape totalling 2,722m².
 - Two open concrete walled storage areas.
 - Hard standing concrete area to the front and side of the new waste transfer building.
 - Retention of concrete boundary fencing.
 - Ecological mitigation fencing.

- Drainage infrastructure.
- Hours of operation would be 0700-1800 Monday to Saturday with no working Sundays or Christmas Day, except for repair, maintenance and testing which shall only be carried out between 0900-1700 hours.

7.03 The waste transfer building would enable the reception and processing of waste material into a Refuse Derived Fuel (RDF). The building would provide weather protection to the wastes being handled and processed which would assist in producing RDF. The site already has planning permission to manage up to 75,000 tonnes of waste per annum and this would not change as a result of this application. The waste types to be managed at the site would also not change. The principal difference between this application and the previous planning permission is that the site would process the waste into a RDF prior to removal from site.

7.04 Site and Surroundings

The proposal site is located within the Ewloe Barns Industrial Estate, a well-established industrial estate which is accessed from the A494 trunk road. The proposal site comprises part of a site which has planning permission for a waste management use. The proposal would not result in any increase or change to the nature or tonnage of the waste material which would be accepted at the site and a condition currently restricts annual throughput to the site.

7.05 Directly to the south of the proposal site is a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) designated for the protection of protected newt species. To the south of the proposal site is the now closed Brookhill Landfill site. Along the eastern boundary of the site is a line of well-established trees which provide an important visual screen between properties to the east of the proposal site and the site itself.

7.06 The nearest sensitive receptors are Parry's Cottages which are located approximately 220m to the north of the site separated by the A494 Trunk Road. There are a small number of residential properties along Pinfold Lane and Smithy Lane which are located approximately 300m and 390m from the site respectively.

7.07 Main planning issues

The main planning issues are considered to be:

Principle

Need

Visual impact

Impact on amenity

Trees

Contaminated Land

Ecology

Drainage

Highways

7.08 Principle

The proposal site is allocated under policy EM3: Development Zones and Principal Employment Areas, within which B1, B2 and B8 uses will be permitted subject to meeting detailed criteria. The site is also identified under policy EWP 6: Areas of Search for Waste Management.

7.09 The site is located within Ewloe Barns Industrial Estate, a well-established industrial estate and is currently an operational waste site and has planning permission for a waste management use. There would be no change to the nature of the material being managed at the site. The principle of this type of development is therefore considered acceptable, in line with policies GEN 1, EWP 6 of the adopted Flintshire Unitary Development Plan.

7.10 Need

Technical Advice Note 21, paragraph 4.4 advises that the waste hierarchy should be applied to all waste proposals. Policy STR10 of the adopted Flintshire Unitary Development Plan supports the application of the waste hierarchy which seeks to minimise reliance on disposal and increase reuse, recycling and, where these are not possible, the recovery of wastes. Policy EWP 7 of the adopted Flintshire Unitary Development Plan seeks to ensure that proposals for waste management facilities are rigorously tested such that the facilities proposed are required to meet an identified need within the Regional Waste Plan. Since the Unitary Development Plan was adopted, the requirement to consider the Regional Waste Plan during determination of proposals for waste management facilities has been removed through the publication of a revised Technical Advice Note (TAN) 21. The revised TAN 21 instead requires consideration of proposals against national waste policy. Given the change in national policy and guidance and the fact that the data upon which the Regional Waste Plan 1st Review is based is over 9 years old it is considered that it is appropriate to look beyond the 1st Review when assessing need.

7.11 The proposal would enable residual waste to be further processed, allowing recyclate to be removed from the waste stream and producing a Refused Derived Fuel (RDF) which could then be exported off-site and used to generate energy at an energy from waste facility or co-incinerator. There would be no change to the waste types which could be managed at the site as a result of this application, it would however, enable wastes to be managed further up the waste hierarchy by enabling wastes to be turned into a fuel rather than being sent straight to landfill or necessitating them being sent to another site for further processing, thereby reducing double handling. The production of an RDF is an intermediate treatment step and whilst it diverts wastes from landfill it is further down the waste hierarchy than

recycling: however, the majority of the recyclate would have already been removed through kerb side collection. Planning permission has been granted for an incinerator on the Deeside Industrial Estate which would have the capacity to deal with a significant proportion of residual wastes, including a proportion of commercial and industrial wastes. The long term need for such a facility is therefore in question in relation to local authority waste given the capacity of the facility permitted at Deeside. Nevertheless, there is a short term need which the proposal would meet and over the longer term commercial and industrial wastes still need to be managed. Significantly, there would be no increase in the overall tonnage of waste which could be managed at the site, it would just be managed in a different way and within a building. Therefore, whilst need has been taken into account, it is not considered to be a determining factor in relation to this application.

7.12 The need for this type of facility has been considered on the basis that the site would manage up to 75,000 tonnes per annum. Conditions to restrict the tonnage of waste which can be managed at the site are attached to the existing planning consent, reference 052359, and are intended to protect amenity and prevent any increase in vehicular movements which could have a resultant impact on the A494 trunk road. This application would result in a stand-alone planning consent and it is therefore considered necessary that the conditions attached to the existing consent are applied to this application to control the tonnage of waste which can be managed at the site.

7.11 Visual Impact

Policies GEN1 and D1 seek to ensure that new development harmonises with the site and its surroundings. Policy L1 seeks to ensure that new development maintains or enhances the character and appearance of the landscape.

7.12 The proposal site is located in the south east of the Ewloe Barns Industrial Estate. The views of principal concern are from the east. There are no landscape designations which would be affected by the proposal and sensitive receptors are located at distance, therefore the proposal is not considered to have the potential to be overbearing. The proposal site is viewed in the context of the existing industrial estate, a site which is allocated for employment use, including B1, B2 and B8 and which has buildings of a similar scale and design. Planning consent was granted in October 2015, reference 052359, for the retention of the existing waste transfer building which is of similar design and scale to the building currently proposed.

7.13 The building would be located along the eastern boundary and would itself provide a visual barrier between sensitive receptors to the east and activities within the site. Along the eastern boundary of the site is a belt of trees which it is considered provide considerable visual benefit.

7.14 The proposal site is located well away from residential properties and whilst distant views of the site will be possible from residential properties along Liverpool Road and Smithy Lane, any impact is not considered sufficient to cause significant harm to residential amenity. Views from Pinfold Lane are restricted due to topography and existing vegetation which provides a natural visual barrier between the proposal site residential properties. Any visual impact is considered to be relatively minor and unlikely to harm the amenity of local residents or have a significant adverse impact on the landscape. In order to minimise the visual impact of the development it is recommended that the trees along the eastern boundary of the site are retained through condition.

7.15 Amenity

Noise: Policy GEN 1 and EWP 8 both support proposals subject to there being no significant adverse impact on nearby sensitive receptors by virtue of noise. The Applicant has submitted a noise assessment in support of the application which assessed the background noise levels at the nearest noise sensitive properties. Background noise levels in this location are demonstrated to be relatively high, being dominated by road traffic, and any noise arising from the development would be unlikely to exceed background noise levels at the nearest sensitive receptors. The use of the building to accommodate the processing of waste using machinery would help minimise noise arising from activities within the site.

7.16 The Environmental Health Officer did not object to the proposal on the basis of noise but requested that conditions attached to the existing consent, reference 052359, are applied to any subsequent consent. The noise condition which is attached to planning permission 052359 require noise levels arising from the site at nearby sensitive receptors to be within 55dB LAeq (1 hour free field) during normal working hours and 45dB LAeq (1 hour free field) outside normal working hours when maintenance and testing of plant is permitted.

7.17 The hours of operation proposed would help minimise the impact of the proposed development on residential amenity. It should be noted that extended hours of operation have been secured for the site through application 054536, which was granted permission on appeal and which allows working between the hours of 0600 and 1900 Monday to Saturdays and 1000 and 1700 Sundays for a period of 6 months. Irrespective of the outcome of the appeal, because this application has been submitted and assessed on the basis of the proposed hours of operation referred to in paragraph 7.02 above it is recommended that these are the hours that are conditioned.

7.18 Dust, odour and litter: Policy GEN 1 and EWP 8 both support proposals subject to there being no significant adverse impact on nearby sensitive receptors by virtue of dust or adverse impacts of

pollution. The site operates under an environmental permit and is regulated by Natural Resources Wales (NRW) and would continue to be regulated by NRW in the event the proposed development secures planning consent. Matters such as noise, dust, odour and litter would be controlled by the Permit. Activities undertaken on the site have the potential to generate odour and dust, particularly those undertaken in the open air. The main land use considerations are whether the proposal site is an acceptable location for the proposed development taking into account the proximity of sensitive receptors. The management of wastes within a building would help the operator control dust within the site and minimise odour. The building itself would also act as a barrier, helping to prevent dust from leaving the site. The waste transfer building approved under permission 052359 utilises fixed dust suppression measures within the building and similar methods would be utilised within the proposed building.

7.19 Although the proposal site has the potential to impact on amenity, given the nature of the proposal, the impacts are considered no greater than those which could be generated by activities within the site which could be carried out without further recourse to planning. The proposed waste transfer building is considered to have the potential to actually reduce the impact of the development on sensitive receptors to the east of the site by acting as a physical barrier between the waste management activities and enclosing activities within the proposed building. Subject to the inclusion of conditions to address the matters raised above, including noise, hours of operation and dust mitigation, it is considered that the proposed development would not have a significant adverse impact on local amenity, in line with policies GEN 1, EWP8, EWP12 and EWP13.

7.20 Trees

Policy TWH1 seeks to protect those trees which are considered important in the local landscape. The belt of trees along the eastern boundary of the industrial estate provides important visual mitigation and is protected through the use of condition attached to planning application 052359. It is considered that the same protection should be provided through any subsequent planning permission. The application is supported by an arboricultural assessment which concludes that any impact on the trees can be mitigated. The Tree Officer has advised that further details should be secured through condition as well as appropriate mitigation and management. Subject to the inclusion of conditions to secure the matters identified the proposal is considered to be acceptable with respect to trees, in line with policy TWH1.

7.21 Contaminated Land

Policy GEN 1 (i) states that development should not be susceptible to problems related to contamination. Policy EWP 14 supports the reclamation and reuse of contaminated land subject to a number of detailed tests, to ensure that appropriate measures are taken to deal

with any contamination which exists on the site and to ensure that no residual risk remains on site for future receptors.

7.22 The site was originally the location of the Ewloebarn Brickworks and has previously been used for inert landfill. Contamination is therefore strongly suspected at the site and as such both the Contaminated Land Officer and Natural Resources Wales have recommended that contaminated land is further investigated at the site. In order to ensure that issues relating to contamination are fully addressed a number of conditions are recommended. The Contaminated Land Officer has also requested that permitted development rights are restricted to ensure that changes to the development cannot be made without the authorisation of the Local Planning Authority. Subject to the inclusion of conditions to secure schemes to address contaminated land the proposal is considered to be acceptable with respect to policies GEN (i) and EWP 14.

7.23 Ecology

The proposal site is located close to the boundaries of the Buckley Claypits and Commons Special Scientific Interest (SSSI) and Deeside and Buckley Newt Sites Special Area of Conservation (SAC). These sites support a nationally important population of great crested newt (*Triturus cristatus*); and in the case of the SSSI, an assemblage of the amphibian species. The proposal would take place within land which is currently operated as a waste management facility which has conditions to secure adequate mitigation for newts. All works are in close proximity to ponds with known GCN records and the land adjacent to the application site represents good amphibian terrestrial habitat, the existing hedgerows that border the western and eastern boundaries of the site are particularly important as wildlife corridors.

7.24 With regards to the Habitat Regulation Assessment any likely significant effects can be overcome providing appropriate reasonable avoidance measures and a mitigation scheme are undertaken. Mitigation is proposed, however, it is recommended that conditions are imposed to secure the implementation of such mitigation and to ensure the necessary detail is submitted.

7.25 Drainage

Policy GEN 1 (i) seeks to ensure that proposals are not susceptible to or result in problems related to drainage, either on-site or off-site. The proposal would result in additional impermeable surfaces within the site, comprising the waste transfer building and concrete hardstanding. The Applicant proposes measures to manage surface water run-off, including the provision of underground surface water storage tanks. The Drainage Officer has advised that the proposed attenuation is acceptable in principle, however, further detail is required which should be secured via condition. The attenuation would enable the site to discharge surface water at a rate of 5l/s with a silt trap and oil interceptor to prevent pollution off site. The Drainage

Officer has raised concern regarding the condition of the outfall drain and advises that this should be repaired, in accordance with the proposals contained within the Surface Water Management Strategy.

7.26 Subject to the inclusion of conditions to secure further detail and to ensure that the necessary drainage works are undertaken prior to the construction of the RDF building, the proposal is considered acceptable with respect to policy GEN 1(i) of the adopted Flintshire Unitary Development Plan.

7.27 Highways

The proposal would not increase the tonnage of waste which would be managed at the facility. Highway movements would therefore not change as a result of the proposal. The existing planning consent includes a condition to restrict the overall tonnage of waste which can be managed at the site, including land within the Applicant's ownership but outside the planning application boundary and a condition to restrict the number of vehicles which can access the site per day. These restrictions were imposed due to concerns over the capacity of the highway to accommodate any increase in vehicle movements due to the design of the access to the industrial estate. These concerns remain and would not be affected by this proposal. The Welsh Government, in their capacity as highway authority for the trunk road, has not objected to the proposal subject to conditions. It is therefore considered necessary to retain the conditions imposed upon planning permission 052359 with respect to tonnage and vehicle movements in order to ensure highway safety is maintained. These conditions would include the provision and use of wheel washing facilities to prevent material being tracked onto the highway.

7.28 Other Matters

In addition to the matters discussed above, during the consultation concern was raised regarding birds. The proposed building would help minimise problems associated with birds by bringing the management of black bag waste within an enclosed building, meaning that the birds would no longer have access to the wastes which are currently attracting them. Birds are a matter which is regulated by Natural Resources Wales, nevertheless, the infrastructure proposed on site would help address concerns raised regarding birds.

8.00 CONCLUSION

8.01 The proposal site is an existing waste management site and there would be no increase in tonnage or type of wastes which could be managed at the site as a result of the proposal. The proposed development would enable the Applicant to manage wastes to create a Refuse Derived Fuel (RDF). Whilst it is considered that there is a limited window of opportunity to manage municipal wastes arising in North Wales in this way, due to the need to divert wastes from landfill, including commercial and industrial wastes it is considered that even

when the North Wales Residual Waste Treatment Partnership Project facility becomes operational there will still be commercial and industrial wastes which require management. The wastes would be managed within a building which would provide a visual barrier between the site and sensitive receptors to the east of the site, which are considered to be the most sensitive.

8.02 The proposal is considered to off the potential to significantly reduce the impact of the current operations on local amenity by enabling black bag wastes which are managed within an open fronted building to be managed within a fully enclosed building, thereby reducing the potential to attract birds, release odour, dust and noise. Subject to the inclusion of conditions to address the points raised above, including highways, contaminated land, trees, ecology, amenity, the proposal is considered acceptable, in line with policies of the adopted Flintshire Unitary Development Plan.

8.03 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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