

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0067	Grid Ref:	296632.9 267941.51
Community Council:	Newtown	Valid Date:	Officer: 28/09/2015 Robin Wynne Williams
Applicant:	Powys County Council		
Location:	Unit 4, Dyffryn Industrial Estate, Pool Road, Newtown, Powys, SY19 3BD		
Proposal:	Demolition of existing building and construction of a Household Waste Recycling Centre (HWRC) and associated infrastructure.		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The application has been submitted by Powys County Council

Site Location and Description

The site of the proposed HWRC development is located at Unit 4 of the Dyffryn Enterprise Park, off the A483 Trunk Road to the north eastern edge of Newtown.

The site is owned by Powys County Council, and comprises a single storey industrial building measuring approximately 30m x 31m. The building is flanked by car parking and delivery areas which share accesses with Units 3 and 5 from the estate road. The ground within the site boundary slopes down gently in a northerly direction.

Consultee Response (full responses to follow)

Newtown & Llan TC	Support
Highways Dept	Require amendments to proposed access radius
Building Control	No comment
PCC Environmental Health	No objection
PCC Contaminated land Officer	Suggest condition relating to unsuspected contamination and advisory
Natural Resources Wales	No objection
Trunk Road Agency	No direction

CADW	No objection
CPAT	No archaeological implications
Severn Trent	Advisory comments
Wales & West Utilities	Advisory comments

Representations

3 Objections submitted on the following grounds:

- Highway infrastructure, capacity and safety
- Vermin and nuisance
- The development will result in a greater level of fly tipping locally

Planning History

P/2013/0328 – Installation of a non-illuminated free standing single sign – Approved 17/06/13
9905

Principal Planning Policies

National planning policy and guidance

Planning Policy Wales (2014)
 Technical Advice Note 5 – Nature Conservation and Planning (2009)
 Technical Advice Note 12 – Design (2009)
 Technical Advice Note 15 – Development and Flood Risk (2004)
 Technical Advice Note 21 – Waste (2014)
 Towards Zero Waste: The overarching Waste Strategy Document for Wales, June 2010
 Collections, Infrastructure and Markets Sector Plan, 2012
 The Waste (England and Wales) Regulations 2011

Local planning policies

E4 – Safeguarded Employment Sites
 W1 – Location of Waste Development
 W2 – Waste Management Proposals

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
 LDP=Powys Local Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

National and Local Policies - Waste

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 3.1.2 of Planning Policy Wales, which requires applications to be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise.

The main policies to be considered in the determination of this application are the policies of the Powys Unitary Development Plan. The policies and guidance contained within TAN21 are also central to the determination of this application. The materiality of the above policies are discussed in the following planning appraisal.

In exercising its planning functions in dealing with waste management applications; Local Planning Authorities must consider Articles 18 and 20 of The Waste (England and Wales) Regulations 2011, which states that the Waste Framework Directive - EC Council Directive 1999/31/EC (Landfill of Waste) and 2008/98/EC must be given weight.

The EU Landfill Directive specifying European targets for the diversion of biodegradable municipal waste from landfill together with the Waste Framework Directive is driving Local Authorities to manage waste as high up the Waste Hierarchy as possible. In order to achieve this, the EU and Welsh Assembly Governments have set stringent recycling targets and have detailed their proposed penalties to Local Authorities who fail to deliver alternative waste management arrangements. As a result, the Welsh Assembly Government has made it clear through the adoption of The National Waste Strategy document Towards Zero Waste that resources will be directed towards local authority policies which are based on very high levels of waste recycling and composting; together with minimal levels of landfilling.

In response, Powys County Council are seeking to develop a fit for purpose household waste recycling centre in Newtown as part of its long term plan to secure compliance with the policies and targets noted above; and allow residents within Newtown and the surrounding area to deposit their household waste for recycling and disposal. The nearest alternative sites are in Llandrindod Wells and Welshpool.

The proposal

Currently there is an industrial building on site that will require demolition prior to the development of a household waste recycling centre.

The Dyffryn Industrial Park is a safeguarded employment site in accordance with policy E4 of the newly adopted Powys Local Development Plan and in accordance with policy W1 – Location of Waste Development such a proposal in principle will be supported on such employment sites.

The proposed facility is to accept segregated materials for re-use, recycling and disposal. Once sufficient loads have been accepted at the facility, waste / materials will be transported from site to licensed re-processing / recycling facilities and/or disposal sites. The wastes will not be processed or treated on site; it will only be bulked prior to onward shipping.

The site will be a secure manned facility with the boundary consisting of 2 metre high palisade fencing and lockable gates.

The site will operate a one-way system with separate accesses for the public to that of service vehicles. Materials/wastes delivered to site will be stored in appropriate containers prior to collection and the site will be subject to an environmental permit regulated by Natural Resources Wales prior to being able to operate.

All wastes brought to site by the public will need to be pre-sorted by users to maximise the recycling performance of the site and staff will be on hand to assist the public to re-use and recycle as much of their waste as possible.

Environment and Amenity

The site is located on the Dyffryn Industrial Estate, and the proposal is in keeping with that of the industrial estate's designation under policy E4 for general industrial developments and associated waste developments. As noted from the Environmental Health Department' consultation response there are no sensitive uses such as residential housing or schools in the immediate vicinity. From an environmental management perspective, the site will be subject to an environmental permit prior to becoming operational. The permitting system is primarily regulatory in nature to protect the environment from pollution and nuisances. As such, should a permit be granted, conditions will be imposed to protect the environment from pollution to air and water. TAN21 – Waste; states that planning authorities should take into account the ability of Environmental Permits to control the operations of waste facilities, and its interactions with the environment; and should not duplicate control more appropriately imposed as part of the permit. As the site is not in close proximity to sensitive receptors and any operation will be subject to an environmental permit it is not considered that the facility will contribute to any nuisances locally.

Although the hours of operation is specified as 09:00 – 17:00 Monday – Wednesday and 10:00 – 16:00 Weekends. As the site is located on an industrial estate and away from residential receptors it is not consider necessary to condition the operating hours for the site as this will offer greater flexibility for the operator and public and can be adequately controlled by the Council's Waste Management Department.

It is acknowledged that the development can potentially contribute to issues associated with dust, litter and vermin as noted within an objection received to the application. However, the authority is confident that this will be addressed through the Environmental Permitting regime. Therefore, it is considered that the development will not have an adverse impact on the environment and local amenity and therefore the proposal accords with criteria 3 of Policy W2.

Highways

Objection letters were received noting that the current industrial estate road is becoming increasingly difficult to navigate due to heavy traffic and that parked lorries within the industrial estate is affecting visibility along the road and junctions. Objectors are worried that the proposed development will further contribute to these problems.

To accommodate an increase in traffic movement to and from the site, both vehicular accesses off the industrial estate road to site is to be widened. However, the highway department in response to the information submitted required further plans demonstrating the proposed radii for the accesses and vehicle turning area. Having re-consulted upon the new drawings this now satisfies the requirements of the highway department subject to planning conditions. The response received from the Trunk Road Agency who are the highway authority for the A483 indicates that no direction will be issued in respect to the development.

The highway access improvement works proposed is deemed acceptable subject to standard highway conditions relating to gates, visibility splays, parking, surface water drainage as recommended by the highway department and the industrial estate road is considered capable of accepting additional vehicular use. Therefore it is considered that the development will not have an adverse impact upon the highway network and accords with LDP policy W2 criteria 2 and that of policy T1 – Travel, Traffic and Transport Infrastructure.

Ecology

As noted, part of the proposal is to demolish the existing industrial building on site. The Ecological Assessment submitted in support of the application concludes that there is no evidence of bats or nesting birds associated with the building and the building because of its modern steel portal framed structure was assessed to be of negligible value to bats and ecological value as a whole.

For completeness and in accordance with good practise; ecological mitigation will strive to undertake the demolition works outside of the bird nesting season. Where this is not possible, netting of hedgerow on site prior to the bird breeding season / search by an Ecological Clerk of Works immediately prior to the works commencing will be carried out. In the event of protected species unexpectedly being discovered during the course of works, in accordance with good practise, work will stop immediately and a suitable Ecologist contacted. At the date of writing the report, no response has been received from the Ecology department. Notwithstanding it is considered that the development will not have an adverse impact on biodiversity or protected species and therefore the proposal accords with LDP policy W2 criteria 5 and DM 2 – Natural Environment.

Contaminated Land

From the Geo-Environmental Desk Study submitted in support of this planning application, it is concluded that the risk levels are heavily dependant on the presence or absence and nature of contaminants in the soil and groundwater beneath the site. It recommends that an intrusive investigation of the site's carried out to better characterise the potential risk levels and establish a land quality baseline for the site.

Subject to the information submitted, the Authority's Contaminated Land Officer has recommended that a condition be applied that works must cease should unsuspected contamination be encountered on site, together with the requirements to undertake risk assessments and remediation works as necessary. The Contaminated Land Officer also recommends that the Council's guidance leaflet for the development of sites with potential contamination be brought to the applicant's attention together with other guidance relating to radon gas protection. Subject to the applicant undertaking the required actions in accordance

with the planning condition recommended it is considered that the development accords with LDP policy DM16 – Contaminated and Unstable Land.

Other observations and representations

There were three letters objecting to this application. It is considered that the objections relating to vermin and highways have been addressed above. Another issue that was raised was the potential for users to fly tip if they arrive outside the operating hours of the site. Although there are instances of fly-tipping associated with HWRC being closed. It is considered that the proposal will help reduce fly tipping as such a facility will allow members of the public to dispose of waste correctly through appropriate and legal avenues. If fly-tipping becomes an issue there are dedicated laws and procedures in force by the Local Authority and NRW to address and punish such issues that fall outside the planning process.

It is noted that a nominal part of the site along its northern boundary is located within the C2 flood zone. However, the proposal does not include any development within the C2 zone and no adverse comments were received by NRW to this effect.

Representation has been submitted by Wales & West Utilities, suggesting that should planning permission be granted an advisory note is attached stating that apparatus may be present in the area and that measures should be put in place for their protection.

Representation has been received from Severn Trent Water, advising correct procedure for a sewer connection from site.

No adverse responses have been received by statutory consultees to the application and it is considered that the objections received are adequately and reasonably addressed within this report.

Recommendation

Based on the above report it is considered that the proposal accords with local and national policies noted within this document. Subject to the inclusion of the planning conditions noted below that are considered to be necessary, fulfil a planning purpose and fairly and reasonably relate to the development it is recommended that planning permission be granted.

The report considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The report and recommendation takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conditions

1. The development to which this permission relates shall begin no later than the expiration of five years beginning with the date of this permission.

Reason: To comply with the requirements of the Town and Country Planning Acts

2. Unless otherwise required by planning condition or agreed in writing by the local planning authority the development shall be carried out in accordance with the drawings, plans and details validated on the 15/01/2018 and 12/04/2018.

Reason: To secure the proper development of the site and to comply with the requirements of the Town and Country Planning Acts

3. All vehicles and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. Vehicles when reversing will not emit warning noise that would have an adverse impact on residential or rural amenity.

Reason: To ensure minimum disturbance from operations and to minimise the adverse impact of noise generated by the operations on the local community.

4. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least 110% of the volume of the tank's capacity. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata

Reason: To prevent pollution of the water environment

5. If during construction and/or operation of the site, contamination not previously identified is found to be present at the site; then no further development shall be carried out in that area of the site until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: The site is in an area of potentially contaminative past uses. To protect the water environment and human health and in the interests of wildlife conservation.

6. Any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

Reason: In the interests of highway safety

7. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

Reason: In the interests of highway safety

8. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 13 cars together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Reason: In the interests of highway safety

9. The width of the access carriageways (both accesses), constructed, shall be not less than 7.3 metres for a minimum distance of 20 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence

Reason: In the interests of highway safety

10. Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

Reason: In the interests of highway safety

11. No surface water drainage from the site shall be allowed to discharge onto the county highway.

Reason: In the interests of highway safety

Notes

Wales & West Utilities

Natural Resources Wales

Powys County Council Contaminated Land, Environmental Health Department

Severn Trent

Case Officer: Robin Wynne Williams- Minerals And Waste Planning Officer
Tel: 01286 679833 E-mail: robinwynnewilliams@gwynedd.gov.uk