

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **19th JULY 2023**

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

SUBJECT: **FULL APPLICATION- ERECTION OF THREE COMMERCIAL BUILDINGS AS PHASE II OF THE VISTA BUSINESS PARK DEVELOPMENT (B1 BUSINESS (LIGHT INDUSTRIAL), B2 GENERAL INDUSTRIAL (BUSINESS USES) AND B8 STORAGE AND DISTRIBUTION USES), TOGETHER WITH THE EXTENSION OF INTERNAL ACCESS ROAD, PARKING, LANDSCAPING AND INSTALLATION OF ASSOCIATED INFRASTRUCTURE**

APPLICATION NUMBER: **FUL/000345/23**

APPLICANT: **REDSUN PROJECTS LTD**

SITE: **VISTA BUSINESS PARK, MANOR LANE, HAWARDEN, CH5 3PJ**

APPLICATION VALID DATE: **17TH APRIL 2023**

LOCAL MEMBERS: **COUNCILLOR W MULLIN**

TOWN/COMMUNITY COUNCIL: **BROUGHTON COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SIZE OF PROPOSAL RELATIVE TO SCHEME OF DELEGATION**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for the erection of three commercial buildings as Phase II of the Vista Business Park development (B1 Business (Light Industrial), B2 General Industrial (Business uses) and B8 Storage and Distribution uses), together with the extension of internal

access road, parking, landscaping and installation of associated infrastructure, at Vista Business Park, Manor Lane, Hawarden, CH5 3PJ

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

2.01 Conditions:

1. Time Limit
2. In accordance with approved details
3. Land Contamination Scheme, remediation and verification
4. Long Term Monitoring Plan- Water quality and land contamination
5. Previously unsuspected contamination
6. Lighting Scheme
7. Visibility Splays to be provided
8. Access gates to be inwardly opening only
9. Loading unloading, parking and turning areas retained
10. Provision of electrical charging points
11. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads to be submitted and approved
12. Positive means to prevent the run-off of surface water from any part of the site onto the highway
13. Construction Traffic Management Plan shall be submitted
14. Full Travel Plan and Transport Implementation Strategy shall be submitted
15. Gas Protection measures

3.00 CONSULTATIONS

3.01 **Local Member: Councillor W Mullin**: No response at time of writing

Broughton Community Council: No objection

Community and Business Protection: The land contamination assessment submitted sets out that gas protection measures will be afforded to the buildings. The applicant will need to submit the detail and design of the gas protection measures and, in due course, verification reports. The submission of these may be secured by condition. The detail/design will need to be secured by a prior to commencement condition and the verification measures, by a condition requiring their submission prior to the first use/occupation of the development.

Highways Development Control: No objection. Suggests conditions and advisory notes

Dwr Cymru Welsh Water: Welsh Water request that if Planning Consent is granted that the Conditions and Advisory Notes suggested are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Natural Resources Wales: NRW are satisfied that the concerns they have identified can be overcome by attaching suggested conditions to any planning permission granted, and if the documents identified by NRW are included in the approved plans and documents condition on the decision notice.

Airbus: Hawarden Aerodrome Safeguarding has assessed against the safeguarding criteria as required by DfT/ODPM Circular 1 / 2003: Safeguarding of Aerodromes and the Commission Regulation (EU) No 139/2014 and has identified that the proposed development does not conflict with safeguarding criteria. Accordingly, there are no aerodrome safeguarding objection to the proposal based on the information given.

CADW: CADW have no objection to the proposed development

4.00 PUBLICITY

4.01 This application was publicised by way of Neighbour Notifications sent to the adjoining 3 properties, a Site Notice posted at the site and a Press Notice in a local newspaper. No responses received

5.00 SITE HISTORY

5.01 **062483** - Erection of three commercial buildings (B1 business (light industrial), B2 business uses and B8 storage and distribution uses) together with the construction of an access road and parking, a pump house, substation, installation of associated infrastructure and platform bases for additional units to form an expansion to Hawarden business park. Approved 23/12/21

050673 - Variation of condition nos.1 and 2 attached to planning permission ref: 40732 to allow further time period for submission of reserved matters and to allow phased approach to commencement of development. Approved 28/05/2013

040732 - Outline – Extension to existing business park for employment purposes to include B1, B2 and B8 uses. Approved 30/03/2010

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

- Policy STR1: Strategic Growth
- Policy STR2: The Location of Development
- Policy STR4: Principles of Sustainable Development, Design and Placemaking
- Policy STR5: Transport and Accessibility
- Policy STR7: Economic Development, Enterprise and Employment
- Policy STR8: Employment Land Provision
- Policy PC1: The Relationship of Development to Settlement Boundaries
- Policy PC2: General Requirements for Development
- Policy PC5: Transport and Accessibility
- Policy PE1: General Employment Land Allocations
- Policy PE2: Principal Employment Areas
- Policy EN14: Flood Risk
- Policy EN15: Water Resources

Supplementary Planning Guidance Notes

- SPGN No 11. Parking Standards

National Planning Policy

- Planning Policy Wales Edition 11
- Future Wales Plan 2020-2040
- Technical Advice Note (TAN) 12: Design
- Technical Advice Note (TAN) 18: Transport
- Technical Advice Note (TAN) 23: Economic Development

7.00 PLANNING APPRAISAL

7.01 Proposal

The proposal is for the construction of a new industrial development providing a total of 5,583 sq m (GIA) of floorspace, with a further 10% proposed indicatively via first floor offices. Phase II supplements the first phase of development which consists of four new industrial units which are currently under constructed and due for completion this year. Planning permission for phase I was granted previously under Application Ref: 062483.

- 7.02 The proposal is being referred to the Planning committee as it exceeds the 5000 square metres of floor space allowed by the

scheme of delegation on established industrial estates/business parks or land allocated for such purposes in the development plan.

7.03 Site

The site located in a designated Principal Employment Area close to the settlements of Broughton and Hawarden, and located close to Hawarden airfield. The Phase II site, subject to this application, is approximately 4.7 acres (1.91 hectares) of greenfield site situated directly to the south-west of Hawarden Industrial Park. And located next to Phase I which has the benefit of planning permission and has been developed.

7.04 As part of the Phase I works, the slope has recently been re-profiled and planted with a bank of whip trees to offer improved habitat and screening. Level plateaus have also been formed on the application site as part of the Phase I earthworks.

7.05 The majority of the site (including all development) is located within Flood Zone A, an area considered to be at little or no risk of fluvial or tidal flooding. The site drops down to a flood plain approximately 100m from the course of the Broughton Brook, which meanders through a linear area of broad-leaved wet woodland to the south-east of the site. The site is located within 5km of the River Dee SSSI, Buckley Claypits and Commons SSSI, River Dee and Bala Lake SAC and Deeside and Buckley newt sites SAC

7.06 Principle of Development

The site forms part of the larger Employment Allocation PE1.1 in the Flintshire LDP. This allocation proposes 5.72ha of B1, B2 and B8 development. The site is also located within the Deeside Enterprise Zone (DEZ). The DEZ has been designated by Welsh Government to continue to develop as a major centre for advanced manufacturing on an international scale by ensuring that the Zone builds on its strengths in key sectors, encourages investment and re-investment in order to compete with locations on a global scale

7.07 Within Principal Employment Areas proposals for B1, B2 and B8 uses are supported, provided that the proposal is of an appropriate type and scale for both the site and its surroundings and satisfies other Plan policies.

7.08 It is considered that the principle of the development proposed is in accordance with the specific employment allocation under policy PE1, as well as the general requirements of policy PE2 for development within the Principal Employment Area.

7.09 Design

Policy PE2, whilst being generally supportive of this proposed type of development in these areas it requires the proposed buildings to be of an appropriate type and scale for both the site and its surroundings.

7.10 The scheme totals 5,538 squares metres of ground floor space arranged over 3 units. Each unit has its own parking and outdoor space and shares a common access road. A new vehicle access point and spine road has been constructed from Manor Lane as part of the Phase I works. This spine road will be extended to run south-east through the application site to provide direct access to each of the unit car parks and service yards. A turning head is proposed at the south-eastern boundary of the site.

7.11 The units will be a single span portal framed structure. A continuous eaves height is proposed to all elevations, with a hipped roof design. The external walls of the units are to be clad in anthracite grey coloured cladding with a band of white cladding to the upper elements of the units. This both gives the visual effect of a reduced height to the unit as well as tying the proposed units to those already constructed as Phase I. The units are attractive, modern and functional designs suitable for the location.

7.12 The proposed units are of a scale and design to both allow for flexibility in end user operations and allow a sufficiently sized range of unit to cater for a variety of modern industrial uses. There is scope for first floor offices, if required, that would provide a further 10% of floor area on top of that provided by ground floor space. The units have been designed to reflect and compliment the units already constructed during phase I. The units are considered to be of an appropriate scale for the site surroundings.

7.13 Neighbouring Living Conditions

The proposal is situated away from neighbouring residential properties close to other Industrial development. The nearest residential property is Broughton Lodge, a detached dwelling located off Chester Road. Aside from this dwelling the nearest residential area is approximately 400m to the north-east of the site on Manor Lane.

7.14 It is proposed that the units could operate 24 hours however it is worth noting that no objection has been raised by Community and Business protection and as with the Phase I approval there is no requirement to apply a restriction on hours of operation, which may restrict the viability of the units for some businesses.

7.15 In terms of visual amenity, the site is adequately screened from the nearest residential dwelling by virtue of existing hedging both around the site boundary and dwelling itself, and the proposed landscaping layout will provide additional buffering. The external lighting layout demonstrates that external lighting will be located mainly within the internal estate road and will not be situated along the site boundaries, which is considered acceptable. The proposals are not considered to restrict the operation of neighbouring employment and industrial uses and would therefore not lead to unacceptable harm to residential or other neighbouring uses.

7.16 Land Contamination

The application has been supported by the submission of Phase I and Phase II Geo environmental Site Assessment Reports (Phase 1 & 2 Geo environmental Site Assessment for Hawarden Business Park, Deeside by e3p Dated June 2022) which, it is considered, follows best practice, and NRW have confirmed that they generally agree with the Conclusions and Recommendations on pages 64 and 65 of the Phase II Report. Within this report data indicates that poly-aromatic-hydrocarbons (PAHs) found on Site are from Asphalt debris in one relatively small area of the Site. It is acknowledged that the identified elevated concentrations of metals may be from natural soils, or may be from a previous use of the site. In order to ensure that the site is fully remediated they have requested that the LPA impose some suggested conditions, which will ensure that the site is completely safe from contaminants. As long as these conditions are imposed they have no objection to the proposal.

7.17 I consider that the suggested conditions are reasonable and ensure that the site fully complies with policy EN16, and they have been included in the list of conditions alongside the recommendation.

7.18 Ecology

A bat report has been submitted in support of the above application (Preliminary Ecological Assessment (PEA); Land at Potential Development Site, Hawarden; by Ecoscope dated 28.03.2019 and associated Ecological Update by Ecoscope dated 27.02.2023) this report and the update identified that bats are present at the application site. From the information submitted, NRW consider that the proposed development represents a lower risk for bats, as defined in NRW's guidance.

7.19 As this is a lower risk case for bats, NRW consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

- 7.20 Furthermore, they advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided the avoidance measures described in the bat report are implemented. The bat report will form part of the suite of approved documentation and its recommendations will be required during the implementation of the proposal, secured by condition.
- 7.21 NRW have also commented how whilst they also note the content of the Proposed External Lighting Layout Phase 2 (ref: 2120-EX6301 P8) they advise the LPA that they secure a condition to their satisfaction in respect of the submission of an external lighting scheme that considers foraging and dispersal of nocturnal protected species. They also recommend the Lighting Plan include external lighting/internal light spillage assessment and plans that is compliant with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/18: Bats and Artificial Lighting in the UK. This is consistent with the approach taken with the phase I development and the condition imposed on that development is replicated in the recommendation.

7.22 Drainage

It is proposed that foul water drainage will be disposed via the public sewerage system and surface water-run off discharged into an existing watercourse. Welsh Water have raised no objections to this proposal and confirmed that capacity exists in the wastewater treatment works to cater for this proposal. The development is therefore considered to accord with policy EN15 of the Flintshire Local Development Plan.

7.23 Highways

In 2006 Manor Lane was widened and a new roundabout was provided with the junction with the B5125, access was improved to Hawarden Business park and to the Northern entrance to the Airbus UK wing facility. Bus stops were added to Manor Lane at this time. Future developments were considered during this improvement scheme including additional traffic generation for these developments, which include the current application and its previous phase.

- 7.24 The spine road was previously approved with Phase I of the development and has been constructed in accordance with the approved details. Each unit has its own dedicated parking turning and loading areas. The parking provision for each unit accords with SPGN11- Parking.

- 7.25 Highways Development control have raised no objection to the proposal, and have suggested a number of standard conditions to impose on any permission. These conditions are to ensure that

adequate parking, turning and unloading areas are retained on site, that EV charging points are provided to the units, to ensure that surface water run off does not discharge onto the highway, and a construction traffic management plan is provided to manage the times and operations of construction traffic whilst the units are being constructed.

7.26 It is considered, subject to the suggested conditions being imposed, that the proposal accords with policy PC5 of the Flintshire Local Development Plan.

7.27 Other Matters

There are no historic features within the application site, nor is the site located within a Conservation Area. Green Lane Farm Moated Site Scheduled Monument is located approximately 1km to the southwest of the site. The site is not considered to have any impact on historic features in nearby proximity to the site. This view has been confirmed by CADW in their consultation response.

7.28 The site is approximately 2.7km from the River Dee and Bala Lake SAC. NRW previously considered the proximity of the site to the SAC at the time of the Phase I development and it was considered that the impacts on the SAC are not likely to be significant, both alone and in-combination with other plans or projects. The proposal is therefore not likely to have a significant effect on the SAC.

7.29 The wider allocated site is acknowledged to be Grade 2 'best and most versatile' agricultural land. The principle of the loss of this land was considered as part of the LDP examination. With regards to this allocation it was considered that the loss of BMV was outweighed by the site's logical and well-defined extension to an existing employment development, its location close to Airbus and other employment operations, within the boundary of the Deeside Enterprise Zone, and its contribution to the National Growth Area designation in Future Wales: National Plan. As such the loss of BMV was considered to be acceptable.

8.00 CONCLUSION

The proposal represents a second phase of commercial development on land allocated for this purpose in the development plan. The proposal represents high quality economic development that assists in the County's ability to achieve prosperity at the regional and national level. It is considered that the proposal accords with the relevant development plan policies and with due regard to all other relevant planning matters. It is therefore recommended that the

application is approved subject to the conditions outlined in paragraph 2.01.

8.01 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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