

# Public Document Pack



Contact Officer:  
Sharon Thomas 01352 702324  
sharon.b.thomas@flintshire.gov.uk

To: Cllr Tony Sharps (Chairman)

Councillors: Jim Falshaw and Mike Reece

12 April 2016

Dear Councillor

You are invited to attend a meeting of the Licensing Sub-Committee which will be held at 9.30 am on Wednesday, 20th April, 2016 in the Clwyd Committee Room, County Hall, Mold CH7 6NA to consider the following items

## A G E N D A

### 1 APOLOGIES

**Purpose:** To receive any apologies.

### 2 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

**Purpose:** To receive any Declarations and advise Members accordingly.

### 3 APPLICATION FOR A PREMISES LICENCE (Pages 3 - 34)

For Members to consider an application for a Time Limited Premises Licence for Nercwys Music Festival.

Yours faithfully

Peter Evans  
Democracy & Governance Manager

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## LICENSING SUB COMMITTEE

<b>Date of Meeting</b>	Wednesday, 20 April 2016
<b>Report Subject</b>	Application for a Premises Licence
<b>Report Author</b>	Chief Officer (Planning and Environment)

### EXECUTIVE SUMMARY

For Members to consider and determine an application under the Licensing Act 2003 for a time limited Premises Licence, in respect of private land at Five Acre, Ffordd Plas Ucha, Nercwys, Flintshire, CH7 4EN.

### RECOMMENDATIONS

1	That Members consider and determine the application for a time limited Premises Licence at Five Acre, Ffordd Plas Ucha, Nercwys, Flintshire, CH7 4EN.
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### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE APPLICATION</b>
1.01	The premises concerned is private land at Five Acre, Ffordd Plas Ucha, Nercwys, Flintshire, CH7 4EN. Its location can be seen in Appendix A.
1.02	The applicant is Nercwys Music Festival, a voluntary organisation to raise funds for charity, whose Organiser is Mr Phil Gerrard.
1.03	The application is for a time limited Premises Licence for the Nercwys Music Festival which is proposed to be held on Saturday, 21 <sup>st</sup> May, 2016.

1.04	The applicant has applied for the following licensable activities: live and recorded music and anything of a similar description, late night refreshment and the supply of alcohol for consumption on the premises.
1.05	The hours applied for are from 17.00 to 00.30 hours.
1.06	Representations have been received from Flintshire County Council's Health & Safety Section, and these can be seen in Appendix B.
1.07	Representations have also been received from Mr & Mrs P Bridges and Mr & Mrs J R Gerrard, who are both neighbours of the land at Five Acre, Nercwys. These can be seen in Appendix C and D respectively.
1.08	North Wales Fire and Rescue Service have confirmed in writing that they will not be making any representations to the Licensing Authority regarding the application.
1.09	North Wales Police have confirmed in writing that the application has been discussed with Inspector Jon Bowcott, the officer responsible for the area, and that they make no representations to this application.
1.10	The steps that the applicant intends to take to promote the four licensing objectives are set out in Appendix E.
1.11	The applicant has confirmed in writing his agreement to the observations made by Health & Safety and wishes these to be added to the conditions of the Premises Licence. This can be seen in Appendix F.
1.12	No other mediation has been possible.
1.13	The application was advertised in the correct manner.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None in respect of this report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	None required.

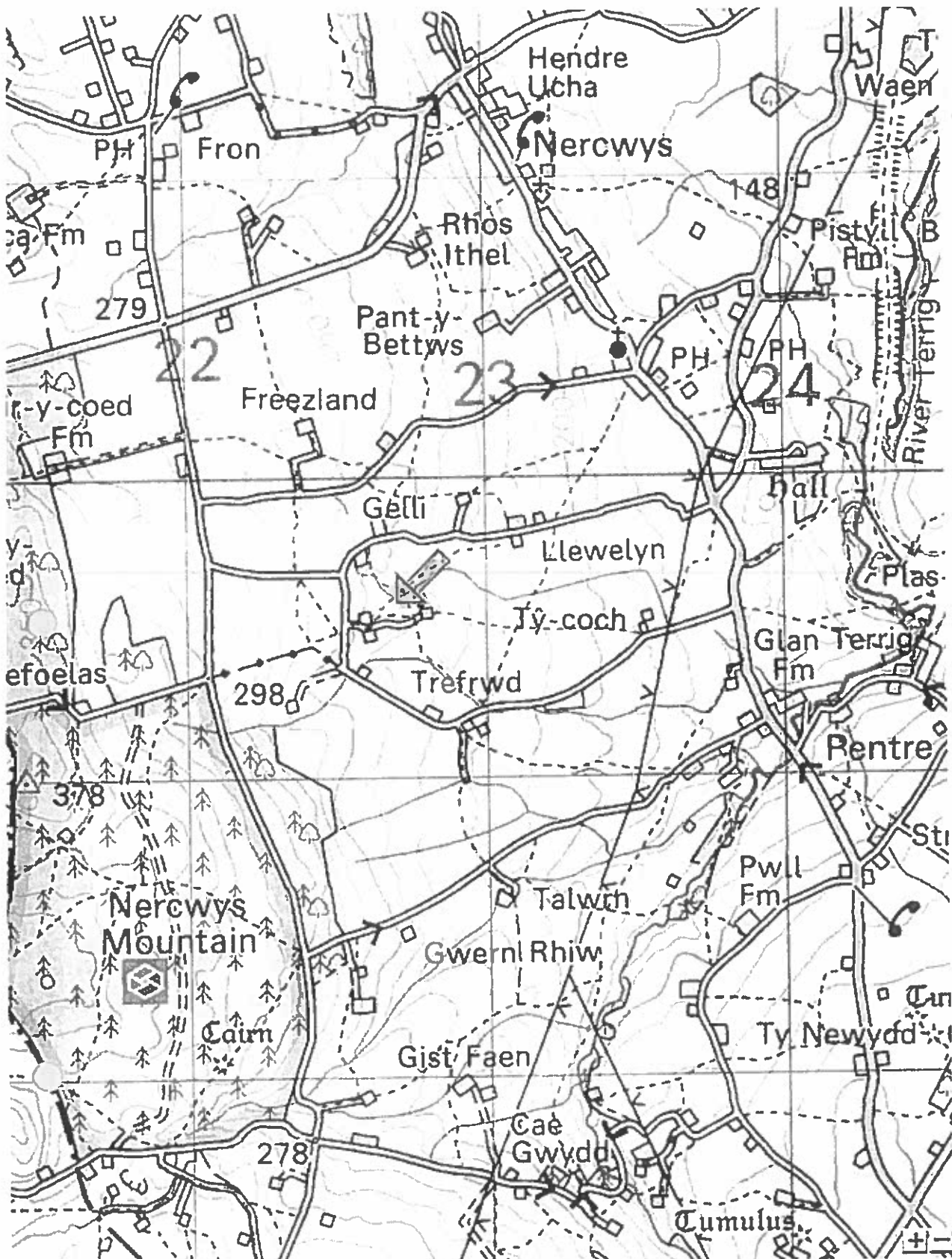
<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	All risks are addressed in the steps taken to promote the four licensing objectives shown in the Operating Schedule.

<b>5.00</b>	<b>APPENDICES</b>
5.01	<p>Appendix A: Location plans.  Appendix B: Health &amp; Safety observations.  Appendix C: Representations from Mr &amp; Mrs P Bridges.  Appendix D: Representations from Mr &amp; Mrs J R Gerrard.  Appendix E: Steps to be taken to promote the licensing objectives.  Appendix F: Correspondence from Mr P Gerrard.</p>

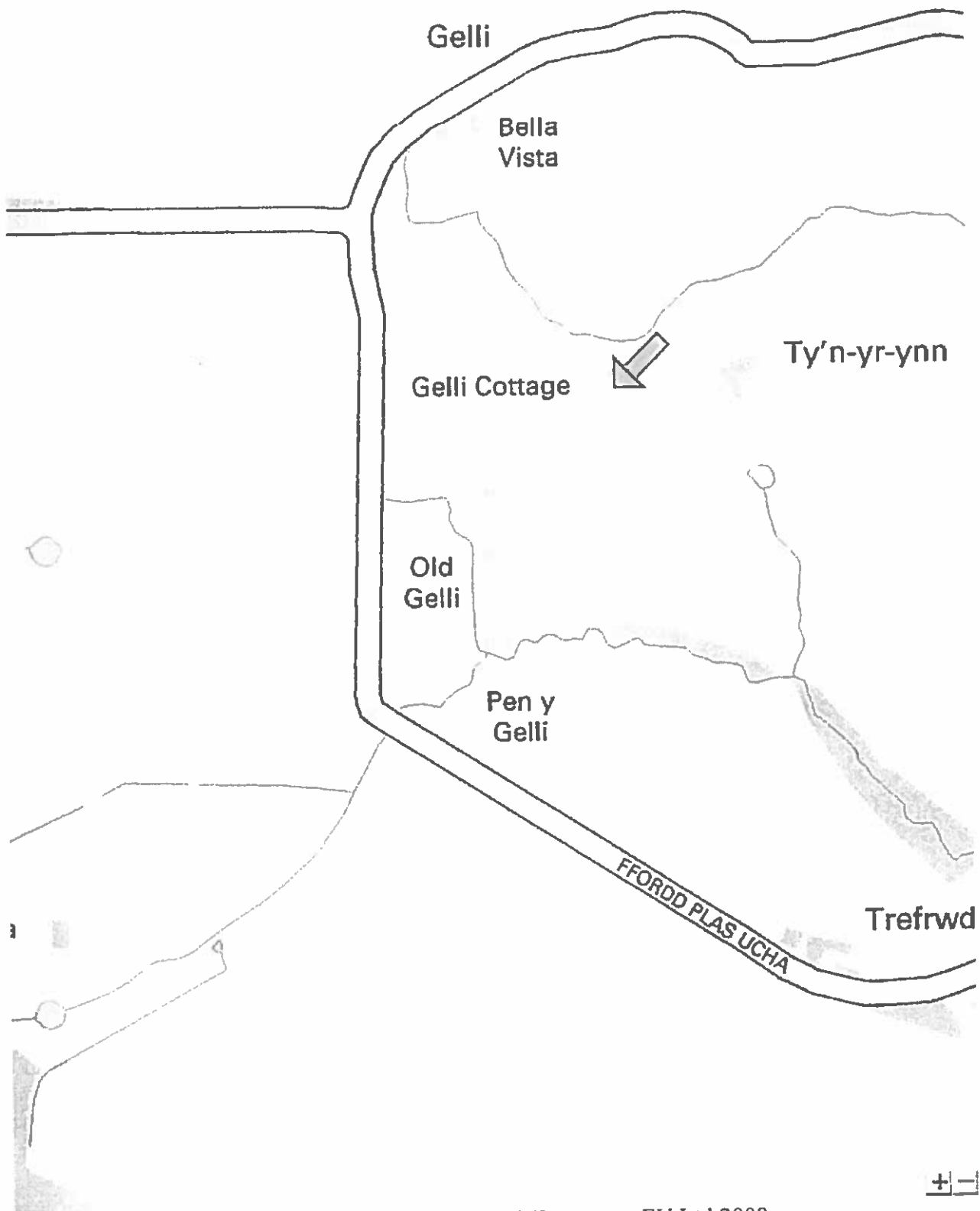
<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>Licensing Act 2003  Section 182 Guidance for Licensing Authorities  Flintshire County Council's Statement of Licensing Policy</p> <p><b>Contact Officer:</b> Rachael Hughes, Licensing Officer  <b>Telephone:</b> 01352 702328  <b>E-mail:</b> <a href="mailto:Rachael.hughes@flintshire.gov.uk">Rachael.hughes@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<p><b>Licensing Act 2003</b> – referred to as the Act.</p> <p><b>Premises Licence</b> – means a licence granted under the Act, in respect of any premises, which authorises the premises to be used for one or more licensable activities.</p> <p><b>Time limited</b> – its duration is limited to a set date(s) and time(s).</p> <p><b>Licensable activities</b> – these are the sale by retail of alcohol, the supply of alcohol by or on behalf of a club to, or on the order of, a member of the club, the provision of regulated entertainment, and the provision of late night refreshment.</p> <p><b>Regulated entertainment</b> - is defined as a performance of a play, an exhibition of a film, an indoor sporting event, a boxing or wrestling entertainment (both indoors and outdoors), a performance of live music, any playing of recorded music, or a performance of dance.</p> <p><b>Late night refreshment</b> – a person provides late night refreshment if at any time between the hours of 11.00pm and 5.00am., he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises.</p> <p><b>Supply of alcohol</b> – means the sale by retail of alcohol, or the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.</p> <p><b>Licensing Objectives</b> - the Act sets out four licensing objectives. These are the prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm.</p>

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## FLINTSHIRE DEPARTMENTAL MEMORANDUM

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To: LICENSING SECTION

Your Ref:

From: Health and Safety Section

Our Ref: LFB/175973

Date: 16<sup>th</sup> March 2016

c.c.:

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### LICENSING ACT 2003

#### RECORD OF APPLICATIONS RECEIVED AND RESPONSE TO LICENSING SECTION

**PREMISES:** The Five Acre, Ffordd Plas Ucha Nercwys Mold CH7 4EN

**FLARE REF NO:** 175973

**RE:** Nercwys Music Festival application ( event date 21st May 2016)

The Health and Safety Enforcement Team have the following observations regarding the above application:

In order to make the site safe for members of the public to attend an event on the site the following matters require attention:

1. All drainage ponds, ditches and watercourses on the site require safely fencing off, to prevent access by persons or vehicles for example with robust " pedestrian barriers/fencing". Fencing must be of suitable height and strength to withstand persons falling against it. As several of the ponds are at the edge of the car park, they should be fenced off with the end of the parking area clearly demarcated.
2. Open Chamber containing water pipes: To prevent persons falling into the chamber it requires securely fencing off or the fitting of a propriety lockable cover.
- 3 .Gravel Slope onto the grass field: The slope will cause persons to stumble and fall and therefore requires safely fencing off along its entire length.
4. Drinks should be served in non - glass bottles and drinking glasses.

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COPY



## APPENDIX C

Bella Vista, Ffordd Llewelyn  
Nercwys  
Mold  
Flintshire  
CH7 4DZ

Date: 15 March 2016

To: Licensing Section, Public Protection  
Flintshire County Council  
County Hall  
Mold  
CH7 6NF

Dear Sir,

**REF: Premises Licence Application – 034034, Ffordd Plas Ucha, Nercwys  
Flintshire CH7 4EN**

I wish to raise a number of concerns about the application REF: 034034 - Five Acres, Ffordd Plas Ucha, Nercwys, CH7 4EN, for a premises licence to permit alcohol and live music at the above location on 21 May 2016.

Our property, Bella Vista, is situated to the north of the site and adjoins the boundary of the site subject of the application. Our house is situated less than 45 metres from this boundary (Evidence 1 – Location Map). Our family have lived at the property for over twenty years, valuing the quietness and seclusion of a countryside location.

The application site is an agricultural field upon which a **cattle shelter** was built in 2015, subject of planning permission 049424 (Evidence 2 – Planning application and permission). It is currently in breach of this planning permission. In particular, powerful sodium lighting at the top of lighting masts has been installed, together with further sodium lamps in trees, and a toilet block constructed. This is currently subject of investigation by the Planning Authority. Can the Authority issue a premises licence for an activity that utilises development it may take future enforcement action against?

The application for the licence does not adequately address prevention of public nuisance, specifically noise and lighting, stating that noise/sound levels will be set by 'Mad Sound & Lighting'; which could mean anything.

Our experience during an event held at the premises on 29 August 15, is that the lighting from the permanently installed lighting masts and tree lighting casts an orange glow across our property illuminating the bedrooms, and making it difficult to sleep. Until their construction and use, the area had been pitch black at night due to its location. Their use at the proposed event, together with any other lighting will cause a nuisance to us (Evidence 3 – Photograph of orange glow from installed sodium lighting at our property).

During the same event, music was clearly audible inside our property and above the sound of the television. Whilst it was possible to turn up the television which helped to disguise it a little, it could still be heard and the low frequency bass sound vibration could be felt. This noise subsequently kept the family awake well into the night causing nuisance. This is likely to be replicated if a premises licence is granted based on the current application.

We also have a number of horses, the music and background noise, (at an otherwise silent location), together with the lighting, caused them to stamble, walk, sweat and made them distressed. I am concerned that this will happen again.

Whilst we support the charitable ethos of the proposed event, its location is not suitable. This site is located well over a mile from Nercwys village and the nearest public transport, meaning that most people need to use a car or taxi to attend. It also appears much bigger than the wedding in August 15 (Evidence 4 - Advert for Nercwys Festival). This will cause us nuisance from traffic, banging car doors, engines starting, and headlamps, particularly late at night as people leave. During the wedding event referred in August 15, we were regularly disturbed by people returning to their parked cars on the field to the rear of our property, as engines were started and vehicle headlamps cast shadows across the bedroom. This went on well into the early hours of the morning, disturbing our sleep.

The application for the licence states that car parking stewards will be employed until 01.00hr. It is not reasonable to expect that we should have to endure noise from music, vehicles, people and lighting, and particularly to this time, as it will cause us disturbance and nuisance. In view of the points outlined I would ask that the Licensing Authority considers the premises licence application as not satisfying the licensing objectives by causing public nuisance to its neighbours.

Yours faithfully

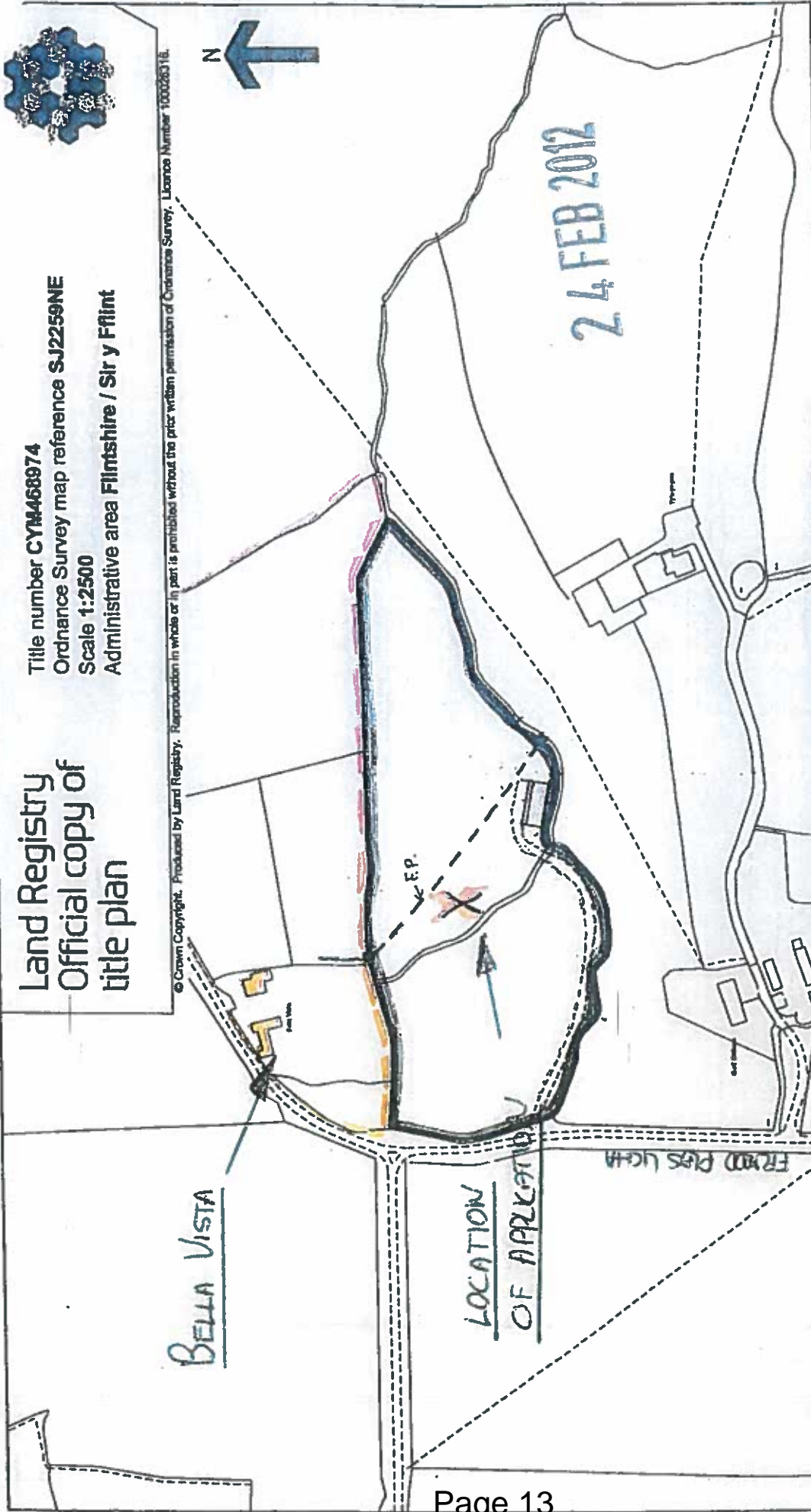
A handwritten signature in black ink, consisting of the letters 'P' and 'B' in a stylized, cursive font, with a horizontal line extending to the right from the bottom of the 'B'.

Mr and Mrs P Bridges

EVIDENCE 1 - PLAN SHOWING PROXIMITY OF BELLA VISTA

019424

TO APPLICATION SITE



This official copy issued on 18 November 2009 shows the state of this title plan on 18 November 2009 at 14:50:17. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.  
This title is dealt with by Land Registry, Wales Office.





CYNGOR  
Sir y Fflint  
Flintshire  
COUNTY COUNCIL

049424

Development Control  
Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF  
Rheoli Datblygu  
Cyngor Sir y Fflint, Neuadd y Sir, Yr Wyddgrug, Sir y Fflint, CH7 6NF

Email / E-bost: [planningdc@flintshire.gov.uk](mailto:planningdc@flintshire.gov.uk)  
Tel / Ffôn: 01352 703284 - Fax / Ffacs: 01352 766444  
[www.flintshire.gov.uk/planning](http://www.flintshire.gov.uk/planning) - [www.siryfflint.gov.uk/eynllunio](http://www.siryfflint.gov.uk/eynllunio)

Application for Planning Permission.  
Town and Country Planning Act 1990

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address	2. Agent Name and Address
Title: <input type="text" value="MR"/> First name: <input type="text" value="PHILIP"/>	Title: <input type="text" value="MR"/> First name: <input type="text" value="JOHN S."/>
Last name: <input type="text" value="GERRARD."/>	Last name: <input type="text" value="CUTTING."/>
Company (optional): <input type="text"/>	Company (optional): <input type="text"/>
Unit: <input type="text"/> House number: <input type="text"/> House suffix: <input type="text"/>	Unit: <input type="text"/> House number: <input type="text"/> House suffix: <input type="text"/>
House name: <input type="text" value="THE GABLES."/>	House name: <input type="text" value="RIDGEFIELD."/>
Address 1: <input type="text"/>	Address 1: <input type="text" value="KINNERTON ROAD."/>
Address 2: <input type="text"/>	Address 2: <input type="text" value="HOPE."/>
Address 3: <input type="text" value="NERCWYS."/>	Address 3: <input type="text"/>
Town: <input type="text" value="MOLD."/>	Town: <input type="text"/>
County: <input type="text" value="FLINTSHIRE."/>	County: <input type="text" value="FLINTSHIRE."/>
Country: <input type="text" value="UK."/>	Country: <input type="text" value="UK."/>
Postcode: <input type="text" value="CH7 4EL."/>	Postcode: <input type="text" value="LL12 9RN."/>

3. Description of the Proposal

Please describe the proposed development, including any change of use:

Proposed Cattle shelter. and laying of track.

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DIRECTORATE OF ENVIRONMENT  
21 MAR 2016  
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Has the building, work or change of use already started?  Yes  No

If Yes, please state the date when building, work or use were started (DD/MM/YYYY):

Has the building, work or change of use been completed?  Yes  No

If Yes, please state the date when the building, work or change of use was completed: (DD/MM/YYYY):

FLINTSHIRE COUNTY COUNCIL  
DIRECTORATE OF ENVIRONMENT  
21 FEB 2012  
(date must be pre-application submission)

#### 4. Site Address Details

Please provide the full postal address of the application site.

Unit:  House number:  House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (optional):

Description of location or a grid reference.  
(must be completed if postcode is not known):

Easting:  Northing:

Description:

#### 5. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?  Yes  No

If Yes, please complete the following information about the advice you were given. (This will help the authority to deal with this application more efficiently).

Please tick if the full contact details are not known, and then complete as much as possible:

Officer name:

Reference:

Date (DD/MM/YYYY):   
(must be pre-application submission)

Details of pre-application advice received?

*Re submit plans.*

#### 6. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?  Yes  No

Is a new or altered pedestrian access proposed to or from the public highway?  Yes  No

Are there any new public roads to be provided within the site?  Yes  No

Are there any new public rights of way to be provided within or adjacent to the site?  Yes  No

Do the proposals require any diversions /extinguishments and/or creation of rights of way?  Yes  No

If you answered Yes to any of the above questions, please show details on your plans/drawings and state the reference of the plan (s)/drawings(s)

#### 7. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?  Yes  No

If Yes, please provide details:

Have arrangements been made for the separate storage and collection of recyclable waste?  Yes  No

If Yes, please provide details:

#### 8. Neighbour and Community Consultation

Have you consulted your neighbours or the local community about the proposal?  Yes  No

If Yes, please provide details:

#### 9. Authority Employee / Member

With respect to the Authority, I am:  Yes  No  
a) a member of staff  
b) an elected member  
c) related to a member of staff  
d) related to an elected member

If yes please provide details of the name, relationship and role

**10. Materials**

If applicable, please state what materials are to be used externally. Include type, colour and name for each material:

	Existing (where applicable)	Proposed	Not applicable	Don't Know
Walls		2 courses of concrete blocks and Green plastic coated sheets Box profile.	<input type="checkbox"/>	<input type="checkbox"/>
Roof		Green plastic coated sheets Box profile.	<input type="checkbox"/>	<input type="checkbox"/>
Windows		NONE.	<input type="checkbox"/>	<input type="checkbox"/>
Doors		NONE.	<input type="checkbox"/>	<input type="checkbox"/>
Boundary treatments (e.g. fences, walls)		Hedges and fences existing.	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle access and hard-standing		Concrete	<input type="checkbox"/>	<input type="checkbox"/>
Lighting		NONE.	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify)		/	<input type="checkbox"/>	<input type="checkbox"/>

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement?  Yes  No

If Yes, please state references for the plan(s)/drawing(s)/design and access statement:

Drawing No- PG-11-01 Block plan and site plan.  
Design and Access Statements.

**11. Vehicle Parking**

Please provide information on the existing and proposed number of on-site parking spaces:

Type of Vehicle	Total Existing	Total proposed (including spaces retained)	Difference in spaces
Cars	0	0	0
Light goods vehicles/ public carrier vehicles	0	0	0
Motorcycles	0	0	0
Disability spaces	0	0	0
Cycle spaces	0	0	0
Other (e.g. Bus)	/	/	
Other (e.g. Bus)	/	/	

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## 12. Foul Sewage

Please state how foul sewage is to be disposed of:

- Mains sewer  Cess pit  
 Septic tank  Other  
 Package treatment plant

Are you proposing to connect to the existing drainage system?  Yes  No

If Yes, please include the details of the existing system on the application drawings and state references for the plan(s)/drawing(s):

## 13. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.)

Yes  No

If Yes, you will need to submit a Flood Risk Assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?  Yes  No

Will the proposal increase the flood risk elsewhere?  Yes  No

How will surface water be disposed of?

- Sustainable drainage system  Existing watercourse  
 Soakaway  Pond/lake  
 Main sewer

## 14. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the guidance notes for further information on when there is a reasonable likelihood that any important biodiversity or geological conservation features may be present or nearby and whether they are likely to be affected by your proposals.

Having referred to the guidance notes, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

a) Protected and priority species:

- Yes, on the development site  
 Yes, on land adjacent to or near the proposed development  
 No

b) Designated sites, important habitats or other biodiversity features:

- Yes, on the development site  
 Yes, on land adjacent to or near the proposed development  
 No

c) Features of geological conservation importance:

- Yes, on the development site  
 Yes, on land adjacent to or near the proposed development  
 No

## 15. Existing Use

Please describe the current use of the site:

Farm land for cattle grazing.

Is the site currently vacant?  Yes  No

If Yes, please describe the last use of the site:

When did this use end (if known)?  
DD/MM/YYYY   
(date where known may be approximate)

Does the proposal involve any of the following:

Land which is known to be contaminated?  Yes  No

Land where contamination is suspected for all or part of the site?  Yes  No

A proposed use that would be particularly vulnerable to the presence of contamination?  Yes  No

If you have answered Yes to any of the above, you will need to submit an appropriate contamination assessment.

## 16. Trees and Hedges

Are there trees or hedges on the proposed development site?  Yes  No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?  Yes  No

If Yes to either or both of the above, you will need to provide a full Tree Survey, with accompanying plan before your application can be determined. Your Local Planning Authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to construction - Recommendations'.

## 17. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste?  Yes  No

If Yes, please describe the nature, volume and means of disposal of trade effluents or waste

**18. Residential Units (Including Conversion)**

Does your proposal include the gain, loss or change of use of residential units?  
If Yes, please complete details of the changes in the tables below:

Yes  No

**Proposed Housing**

Market Housing	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						a
Flats and maisonettes	<input type="checkbox"/>						b
Live-work units	<input type="checkbox"/>						c
Cluster flats	<input type="checkbox"/>						d
Sheltered housing	<input type="checkbox"/>						e
Bedsit/studios	<input type="checkbox"/>						f
Unknown type	<input type="checkbox"/>						g
Totals (a+b+c+d+e+f+g)=							A

Social Rented	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						a
Flats and maisonettes	<input type="checkbox"/>						b
Live-work units	<input type="checkbox"/>						c
Cluster flats	<input type="checkbox"/>						d
Sheltered housing	<input type="checkbox"/>						e
Bedsit/studios	<input type="checkbox"/>						f
Unknown type	<input type="checkbox"/>						g
Totals (a+b+c+d+e+f+g)=							a

Intermediate	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						a
Flats and maisonettes	<input type="checkbox"/>						b
Live-work units	<input type="checkbox"/>						c
Cluster flats	<input type="checkbox"/>						d
Sheltered housing	<input type="checkbox"/>						e
Bedsit/studios	<input type="checkbox"/>						f
Unknown type	<input type="checkbox"/>						g
Totals (a+b+c+d+e+f+g)=							c

Key worker	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						a
Flats and maisonettes	<input type="checkbox"/>						b
Live-work units	<input type="checkbox"/>						c
Cluster flats	<input type="checkbox"/>						d
Sheltered housing	<input type="checkbox"/>						e
Bedsit/studios	<input type="checkbox"/>						f
Unknown type	<input type="checkbox"/>						g
Totals (a+b+c+d+e+f+g)=							D

Total proposed residential units (A+B+C+D)=

**Existing Housing**

Market Housing	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						
Flats and maisonettes	<input type="checkbox"/>						
Live-work units	<input type="checkbox"/>						
Cluster flats	<input type="checkbox"/>						
Sheltered housing	<input type="checkbox"/>						
Bedsit/studios	<input type="checkbox"/>						
Unknown type	<input type="checkbox"/>						
Totals (a+b+c+d+e+f+g)=							

Social Rented	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
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Totals (a+b+c+d+e+f+g)=							

Intermediate	Not known	Number of Bedrooms					Total
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Houses	<input type="checkbox"/>						
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Live-work units	<input type="checkbox"/>						
Cluster flats	<input type="checkbox"/>						
Sheltered housing	<input type="checkbox"/>						
Bedsit/studios	<input type="checkbox"/>						
Unknown type	<input type="checkbox"/>						
Totals (a+b+c+d+e+f+g)=							

Key worker	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						
Flats and maisonettes	<input type="checkbox"/>						
Live-work units	<input type="checkbox"/>						
Cluster flats	<input type="checkbox"/>						
Sheltered housing	<input type="checkbox"/>						
Bedsit/studios	<input type="checkbox"/>						
Unknown type	<input type="checkbox"/>						
Totals (a+b+c+d+e+f+g)=							H

Total existing residential units =

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TOTAL NET GAIN or LOSS of RESIDENTIAL UNITS (Proposed Housing Grand Total - Existing Housing Grand Total):

### 19. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?  Yes  No

If you have answered Yes to the question above please add details in the following table:

Use class/type of use	Not applicable	Existing gross internal floorspace (square metres)	Gross internal floorspace to be lost by change of use or demolition (square metres)	Total gross internal floorspace proposed (including change of use)(square metres)	Net additional gross internal floorspace following development (square metres)
A1	<input type="checkbox"/>				
Shops	<input type="checkbox"/>				
Net tradable area:	<input type="checkbox"/>				
A2	<input type="checkbox"/>				
Financial and professional services	<input type="checkbox"/>				
A3	<input type="checkbox"/>				
Restaurants and cafes	<input type="checkbox"/>				
B1 (c)	<input type="checkbox"/>				
Light Industrial	<input type="checkbox"/>				
B2	<input type="checkbox"/>				
General industrial	<input type="checkbox"/>				
B8	<input type="checkbox"/>				
Storage or distribution	<input type="checkbox"/>				
C1	<input type="checkbox"/>				
Hotels and halls of residence	<input type="checkbox"/>				
C2	<input type="checkbox"/>				
Residential institutions	<input type="checkbox"/>				
D1	<input type="checkbox"/>				
Non-residential institutions	<input type="checkbox"/>				
D2	<input type="checkbox"/>				
Assembly and leisure	<input type="checkbox"/>				
OTHER	<input type="checkbox"/>				192sq. m.
Cattle Shelter	<input type="checkbox"/>				
Please Specify	<input type="checkbox"/>				
Total					

In addition, for hotels, residential institutions and hostels, please additionally indicate the loss or gain of rooms

Use class	Type of use	Not applicable	Existing rooms to be lost by change of use or demolition	Total rooms proposed (including changes of use)	Net additional rooms
C1	Hotels	<input type="checkbox"/>			
C2	Residential Institutions	<input type="checkbox"/>			
OTHER		<input type="checkbox"/>			
Please Specify		<input type="checkbox"/>			

### 20. Employment

Please complete the following information regarding employees:

	Full-time	Part-time	Total full-time equivalent
Existing employees			
Proposed employees			

### 21. Hours of Opening

Please state the hours of opening for each non-residential use proposed:

Use	Monday to Friday	Saturday	Sunday and Bank Holidays	Not known
		W/A.		

### 22. Site Area

Please state the site area in hectares (ha)

25. Ownership Certificates

One Certificate A, B, C, or D, must be completed, together with the Agricultural Holdings Certificate with this application form  
CERTIFICATE OF OWNERSHIP - CERTIFICATE A

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which the application relates.

Signed - Applicant:

[Redacted signature box]

Date (DD/MM/YYYY):

30/01/2022

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

I certify/ The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which this application relates.

Name of Owner	Address	Date Notice Served

Signed - Applicant:

[Redacted signature box]

Or signed - Agent:

[Redacted signature box]

Date (DD/MM/YYYY):

[Redacted date box]

CERTIFICATE OF OWNERSHIP - CERTIFICATE C

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

I certify/ The applicant certifies that:

- Neither Certificate A or B can be issued for this application
- All reasonable steps have been taken to find out the names and addresses of the other owners (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of the land or building, or of a part of it, but I have/ the applicant has been unable to do so.

The steps taken were:

[Redacted text box for steps taken]

Name of Owner	Address	Date Notice Served

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

[Redacted newspaper name box]

On the following date (which must not be earlier than 21 days before the date of the application):

[Redacted date box]

Signed - Applicant:

[Redacted signature box]

Or signed - Agent:

[Redacted signature box]

Date (DD/MM/YYYY)

[Redacted date box]

**25. Ownership Certificates (continued)**

**CERTIFICATE OF OWNERSHIP - CERTIFICATE D**

**Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7**

I certify/ The applicant certifies that:

- Certificate A cannot be issued for this application
- All reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of any part of the land to which this application relates, but I have/ the applicant has been unable to do so.

The steps taken were:

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

**26. Agricultural Holdings**

**AGRICULTURAL HOLDINGS CERTIFICATE**

**Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7**  
**Agricultural Land Declaration - You Must Complete Either A or B**

(A) None of the land to which the application relates is, or is part of, an agricultural holding.

Signed - Applicant:

Date (DD/MM/YYYY):

05/03/11

(B) I have/ The applicant has given the r before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:

Name of Tenant	Address	Date Notice Served

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

**27. Planning Application Requirements - Checklist**

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The original and 3 copies of a completed and dated application form:

The correct fee:

The original and 3 copies of the plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North:

The original and 3 copies of a design and access statement:

The original and 3 copies of the completed, dated Ownership Certificate (A, B, C, or D - as applicable):

The original and 3 copies of other plans and drawings or information necessary to describe the subject of the application:

The original and 3 copies of the completed, dated Article 7 Certificate (Agricultural Holdings):

8 MAR 2011

**25. Ownership Certificates (continued)**

**CERTIFICATE OF OWNERSHIP - CERTIFICATE D**

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

I certify/ The applicant certifies that:

- Certificate A cannot be issued for this application
- All reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of any part of the land to which this application relates, but I have/ the applicant has been unable to do so.

The steps taken were:

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

**26. Agricultural Holdings**

**AGRICULTURAL HOLDINGS CERTIFICATE**

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7  
Agricultural Land Declaration - You Must Complete Either A or B

(A) None of the land to which the application relates is, or is part of, an agricultural holding.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY)

(B) I have/ The applicant has given the requisite notice to every person other than myself/ the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:

Name of Tenant	Address	Date Notice Served

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY)

**27. Planning Application Requirements - Checklist**

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The original and 3 copies of a completed and dated application form:

The correct fee:

The original and 3 copies of the plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North:

The original and 3 copies of a design and access statement:

The original and 3 copies of other plans and drawings or information necessary to describe the subject of the application:

The original and 3 copies of the completed, dated Ownership Certificate (A, B, C, or D - as applicable):

The original and 3 copies of Article 7 Certificate (Agricultural Holdings):

HUNTSVILLE COUNTY COUNCIL  
DIRECTORATE: ENVIRONMENT

24 FEB 2012

MAIL SERVICE: 2009/04/06/08:20:15 \$ \$ Revision 1960 S

RECEIVED

Page 22  
24 FEB 2012

**28. Declaration**

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

30/01/2012

(date cannot be pre-application)

**29. Applicant Contact Details**

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

**30. Agent Contact Details**

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):  
john.gittins@yahoo.co.uk

**31. Site Visit**

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes

No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

Agent

Applicant

Other (if different from the agent/applicant's details)

If Other has been selected, please provide:

Contact name:

Telephone number:

Email address:

**TOWN AND COUNTRY PLANNING ACT, 1990**  
**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT MANAGEMENT**  
**PROCEDURE) (WALES) ORDER, 2012**

**Application Ref: 049424**

**AGENT**

Mr John S Gittins  
Ridgefield  
Kinnerton Road  
Hope  
Flintshire  
LL12 9RN

**APPLICANT**

Mr P Gerrard  
The Gables  
Ffordd Y Pentre  
Nercwys  
Mold  
CH7 4EL

In pursuance of their powers under the above Acts and Order the County Council as Local Planning Authority **PERMITS:**

**PROPOSAL: Erection of cattle shelter, formation of track with culvert and access alterations (part retrospective)**

**LOCATION: Five Acre, Ffordd Plas Ucha, Nercwys**

In accordance with the particulars and plans comprising your application received complete on 5 March 2012 subject to the attached conditions.



1. The development hereby approved shall be commenced before the expiration of five years from the date of this permission.

REASON: To comply with the requirements of Sections 91 to 93 of the Town and Country Planning Act, 1990.

2. The development hereby permitted shall be carried out in accordance with the plan(s) and specifications, (which are listed in the 'Notes to Applicant' below), unless specified otherwise by the conditions of this permission, or otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development is carried out in accordance with the approved details.

3. Public Footpath 17 crosses the site and the path must be protected and free from interference from construction of the cattle shelter and associated works.

REASON: In order to protect the public footpath.

### NOTES TO APPLICANTS

1. This permission relates to the following particulars received by the Local Planning Authority.

- Application form date received 6<sup>th</sup> February 2012
- Location plan 6<sup>th</sup> February 2012
- Block plan 6<sup>th</sup> February 2012
- Design and access statement 6<sup>th</sup> February 2012
- Elevation

2. You are reminded that this permission must be carried out strictly in accordance with the above specified plans and the conditions referred to upon this certificate of decision. If any amendments are proposed, you should NOT proceed without first obtaining the written approval of the Local Planning Authority.

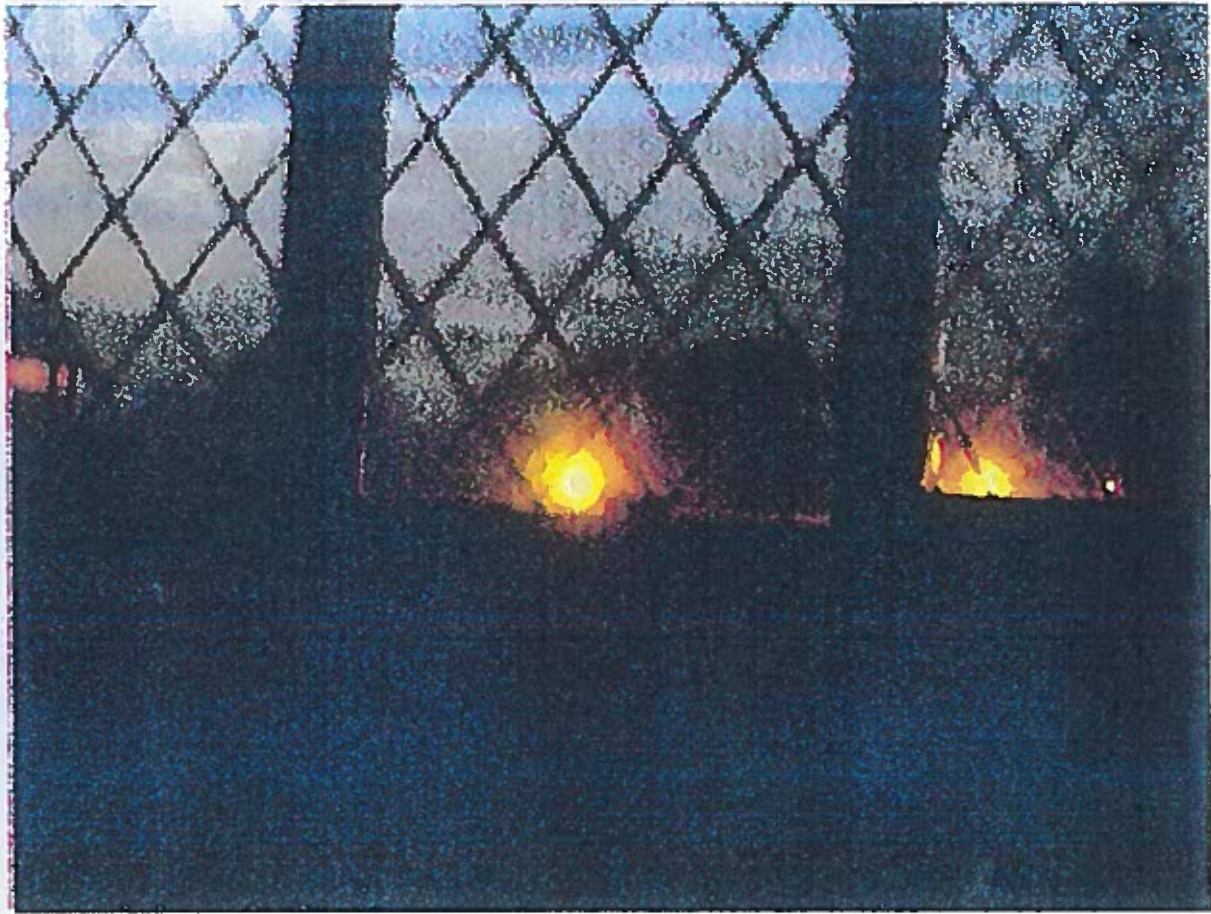
3. Any development carried out without compliance with the plans and particulars approved and the conditions of this permission, may be liable to enforcement action. You are also advised that separate approval under the Building Regulations and/or a licence under the Environmental Health Regulations may be required. Further advice on this may be obtained from the relevant department of the County Council.

4. The applicants attention is drawn to the attached Highway Supplementary Note in particular Clause 9.

Dated: 14<sup>th</sup> June 2012

Signed: .....  
**Head of Planning**

Evidence 3 – Photograph illustrating orange glow across property from installed lighting at Five Acre.



EVIDENCE 4 - ADVERT FOR EVENT TAKEN  
FROM NERCWYS MAGAZINE, SPRING 16

**May 21<sup>ST</sup> 2016**

**Five Acre, Ffordd Plas Ucha, Ch7 4EN**

**Will be hosting the 4<sup>th</sup>**

**Nercwys Music Festival**

Come and join us for an enjoyable and unique evening of fun, food, drink and fabulous music. The new venue has permanent cover for all weathers and plenty of parking.

The previous festivals have raised over £20,000 for the following charities

British Heart Foundation  
Shooting Star Appeal at Wrexham Maelor  
SCBUnits at Wrexham Maelor and Glan Clwyd  
Nercwys Church  
Nercwys School  
Soar Chapel  
Cherish

This year we hope to have another successful evening and will be proud to donate to many local charities.

The gates will open at 5pm and music will start at 6pm, where there will be hot food, toilets, seating provided, tea & coffee and a full, well stocked bar.

The music line up will include

Soul Revolver (5 piece cover band)  
Y Porthmyn Male Voice Choir  
Carl Jones (Local Vocalist)  
Carys Jones (Contemporary Musician/Vocalist)  
Flintshire String Quartet  
Mama G & the Bebop Brunettes

And of course, the anticipated return of 'Only Mime Allowed'

Please come and support our efforts in what will hopefully be our best Festival Yet!!!

Entrance fees are £20.00 Adults, £10.00 Children, U5s free.

Payable at the entrance gate.

Contact Phil Gerrard on 07836257532 for any further details.

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TYN YR YNN

FFORDD PLAS UCHA

NERCWYS

MOLD

CH7 4EN

March 26<sup>th</sup> 2016.

TO: Licensing Section, Public Protection

Flintshire County Council

County Hall

Mold

CH7 6NF



Dear Sir.

REF: Premises Licence application- 034034- Five Acre -Ffordd Plas Ucha, Nercwys, CH7 4EN.

We write to express our objection to the above licence application to permit alcohol and live music at the above location on the 21<sup>st</sup> May 2016.

The application site is an agricultural field in which planning permission was granted in 2015 for a "cattle shelter" - the application stated that the shelter would be intended to house 40 to 50 cattle and that access would only be required by the "odd tractor". The current structure is in breach of this planning permission particularly in relation to sodium lighting and the construction of a toilet block and we understand is subject to an investigation by the Planning Authority . We feel if the County Council allows this licence application, the investigation of the planning breach would in effect be seriously undermined and a dangerous precedent set. The large volume of additional traffic to the site would also be a significant concern – access would by necessity be along Ffordd Plas Ucha & Ffordd Llewellyn- these are **single** track lanes with **deep ditches** to either side. There is a high risk unsuspecting motorist(s) will be caught out trying to pass on the narrow verges. This in turn would severely hamper access by the Emergency Services, thereby putting local residents and music concert attendees at unnecessary risk.

More importantly we are gravely concerned by the noise nuisance that this event will cause and the negative impact this will have upon ourselves and especially our daughter. Our property is approx 50 metres from the site. The event falls in the middle of our daughters GCSE exams. We are aware from previous music Festival events held at Ty Coch ( approx ½ mile away) that the music can be heard inside our property & that sound checks and rehearsals are held throughout the week before especially in the evenings. I do not feel it is acceptable that my daughter exam results should be

jeopardised by the holding of this event both at this time of the year and due to its close proximity to our home. The licence application indicates that the car parking stewards will be employed until 1am – as parents, we do not feel this licence should be permitted given the detrimental impact it will inevitably have upon our daughter at a highly stressful time in her life.

We have also had first-hand experience of the noise disturbance caused to ourselves from events held at this site; last August – a wedding reception was held at the site including an evening disco – the music and DJ was clearly audible inside our property even with our television turned up and our sleep was disturbed well into the night.

Like our neighbours – at Old Gelli farm, Gelli Farm and Bella Vista, we also have horses which would be adversely affected by the loud music and other noises generated at such an event.

Finally- I would like to point out that previous events have been successfully held at “Ty Coch” on Ffordd Plas Ucha in Nercwys – this appears to be a more suitable site for the event- given its closer proximity to the main road and lower number of properties in close proximity to the site.

In view of the grave concerns we have raised -I would respectfully ask the Licensing Authority not to grant this licence application due to the unacceptable nuisance it will cause to neighbours.

Yours faithfully



Gail Gerrard.

MR & MRS JR Gerrard.

**M Describe the steps you intend to take to promote the four licensing objectives:**

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

**b) The prevention of crime and disorder**

S.I.A DOOR SUPERVISORS WILL BE EMPLOYED FROM 17.00 UNTIL 01.00 HOURS  
GLOBAL SECURITYYN  
HAWARDEN  
FLINTSHIRE

**c) Public safety**

CAR PARK STEWARDS WILL BE EMPLOYED FROM 17.00 UNTIL 01.00 HRS AND RELEVANT SIGNAGE WILL BE DISPLAYED. ST. JOHNS AMBULANCE WILL ATTEND THE EVENT.

**d) The prevention of public nuisance**

NOISE/SOUND LEVELS WILL BE SET BY MAD SOUND & LIGHTING

**e) The protection of children from harm**

UNACCOMPANIED CHILDREN WILL NOT BE ALLOWED ACCESS TO THE EVENT.

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Re: Nercwys Music Festival - 21st May, 2016.  
Sian Gerrard to: rachael.hughes

23/03/2016 09:29

✉	Rachael Hughes	Nercwys Music Festival - 21st May, 2016.
✉	Sian Gerrard	<i>Good Morning Rachael I can confirm that I am in agreement with t</i>

Good Morning Rachael

I can confirm that I am in agreement with the health and safety recommendations and wish them to be added to the licence.

Thanks

Phil Gerrard

Sent from my iPad

On 17 Mar 2016, at 17:03, [rachael.hughes@flintshire.gov.uk](mailto:rachael.hughes@flintshire.gov.uk) wrote:

Good afternoon Phil,

As discussed in our telephone call earlier, please see the observations below that I have received from Health & Safety:-

"The Health and Safety Enforcement Team have the following observations regarding the above application:

In order to make the site safe for members of the public to attend an event on the site the following matters require attention:

**1. All drainage ponds, ditches and watercourses on the site require safely fencing off, to prevent access by persons or vehicles for example with robust " pedestrian barriers/fencing". Fencing must be of suitable height and strength to withstand persons falling against it. As several of the ponds are at the edge of the car park, they should be fenced off with the end of the parking area clearly demarcated.**

**2. Open Chamber containing water pipes: To prevent persons falling into the chamber it requires securely fencing off or the fitting of a propriety lockable cover.**

**3 .Gravel Slope onto the grass field: The slope will cause persons to stumble and fall and therefore requires safely fencing off along its entire length.**

**4. Drinks should be served in non - glass bottles and drinking glasses."**

Can you please confirm to me by return email that you are in agreement with these as Health & Safety wish them to be added to your licence as conditions.

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