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Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



CS/NG

13 July 2023

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To: Cllr Richard Lloyd (Chair)

Councillors: Mike Allport, Bernie Attridge,
Chris Bithell, Helen Brown, Paul Cunningham,
Rob Davies, Adele Davies-Cooke, Carol Ellis,
Gladys Healey, Dave Hughes, Paul Johnson,
Richard Jones, Hilary McGuill, Ted Palmer,
Mike Peers and Dan Rose

Dear Sir / Madam

NOTICE OF HYBRID MEETING
PLANNING COMMITTEE
WEDNESDAY, 19TH JULY, 2023 am 1.00 PM

Yours faithfully

Steven Goodrum
Democratic Services Manager

Please note: Attendance at this meeting is either in person in the Lord Barry Jones Council Chamber, Flintshire County Council, County Hall, Mold, Flintshire or on a virtual basis.

Public speakers have been asked if they would like to address the Committee in English or Welsh.

The meeting will be live streamed onto the Council's website. The live streaming will stop when any confidential items are considered. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

AGENDA

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 3 - 8)

To confirm as a correct record the minutes of the meeting held on 21 June 2023.

5 **ITEMS TO BE DEFERRED**

6 **REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**

The reports of the Chief Officer (Planning, Environment & Economy) are enclosed.

REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY) TO PLANNING COMMITTEE ON 19 JULY 2023

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	FUL/000077/22	FUL/000077/22 – A - Full application - Erection of 21 dwellings with adoptable highway access. (Re-submission of previously Approved Application 055398) at Rhewl Fawr Road, Penyffordd, Holywell (Pages 9 - 22)
6.2	FUL/000345/23	FUL/000345/23 - A - 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 at Vista Business Park, Manor Lane, Hawarden (Pages 23 - 34)

Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours

PLANNING COMMITTEE **21 JUNE 2023**

Minutes of the Planning Committee of Flintshire County Council held as a hybrid meeting on Wednesday, 21 June 2023

PRESENT: Councillor Richard Lloyd (Chair)

Councillors: Mike Allport, Bernie Attridge, Chris Bithell, Rob Davies, Adele Davies-Cooke, Carol Ellis, Dave Hughes, Paul Johnson, Richard Jones, Hilary McGuill, Ted Palmer and Mike Peers

APOLOGIES: Councillors: Helen Brown, Paul Cunningham and Dan Rose

ALSO PRESENT: The following attended as Local Members:

Councillors David Richardson and Andy Hughes - agenda item 6.2 (FUL/ 000034/22)

Councillor Pam Banks - agenda item 6.3 (OUT/ 000496/22)

Councillor Andrew Parkhurst (adjoining ward member) - agenda item 6.4 (FUL/ 000722/22)

Councillors Glyn Banks and Christine Jones attended as observers

IN ATTENDANCE: Chief Officer (Planning, Environment & Economy), Service Manager - Strategy, Service Manager - Development, Senior Engineer - Highways Development Control, Senior Planning Officers, Solicitor and Democratic Services Officers

1. APPOINTMENT OF VICE-CHAIR

The Chair proposed Councillor Mike Peers as Vice-Chair of the Committee and was seconded by Councillor Hilary McGuill. No other nominations were received.

RESOLVED:

That Councillor Mike Peers be appointed Vice-Chair of the Committee.

2. DECLARATIONS OF INTEREST

All Committee Members present declared a personal interest on agenda item 7.2 (FUL/000034/22) as they had been contacted by objectors.

3. LATE OBSERVATIONS

The Chairman allowed Members an opportunity to read the late observations which had been circulated prior to the meeting and were appended to the agenda item on the Council's website:

<https://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MId=5287&LLL=0>

4. MINUTES

The minutes of the meeting held on 26 April 2023 were confirmed as a correct record, as moved and seconded by Councillors Chris Bithell and Bernie Attridge.

RESOLVED:

That the minutes be approved as a true and correct record.

5. ITEMS TO BE DEFERRED

The Chief Officer (Planning, Environment & Economy) advised that no items were recommended for deferral.

6. REPORTS OF THE CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)

RESOLVED:

That decisions be recorded as shown on the Planning Application schedule attached as an appendix.

7. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were eight members of the public present at the start of the meeting.

(The meeting started at 1pm and ended at 4.20pm)

.....
Chairman

Meetings of the Planning Committee are webcast and can be viewed by visiting the webcast library at: <http://flintshire.public-i.tv/core/portal/home>

PLANNING COMMITTEE ON 21 JUNE 2023

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
RES/ 000658/22	Sealand Community Council	Reserved Matters - Application for Approval of Reserved Matters following Outline Approval 063145 at Northern Gateway (Phase 3), former Corus, Welsh Road, Garden City	Matt Grant (Applicant) spoke in support of the application.	That planning permission be granted subject to the Section 106 Obligation and conditions set out in the report, in accordance with the officer recommendation.
FUL/ 000034/22	Connah's Quay Town Council	Full application - Construction of a residential development of 141 no. dwellings & associated works at Highmere Drive, Connahs Quay	<p>Angela Williams (Resident) spoke against the application.</p> <p>Philip Moren (Agent) spoke in support of the application.</p> <p>Councillors David Richardson and Andy Hughes (Local Members) spoke against the application.</p>	That planning permission be granted subject to the Section 106 Obligation and conditions set out in the report, in accordance with the officer recommendation.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
OUT/ 000496/22	Mostyn Community Council	Outline application - For residential development with all matters reserved except for means of access at Land adj. to Ffordd Pennant, Maes Pennant, Mostyn	<p>Alex Barons (Resident) spoke against the application.</p> <p>Vanessa Rowell (Agent) spoke in support of the application.</p> <p>Councillor Pam Banks (Local Member) spoke against the application.</p>	<p>That planning permission be granted subject to the Section 106 Obligation/Unilateral Undertaking (as amended below) and conditions set out in the report, in accordance with the officer recommendation.</p> <p>Paragraph 2.01(b) to be amended to read: 'Payment of £35,200 on occupation of 25% of the proposed dwellings towards the provision and enhancement of recreational facilities at the existing play area at Maes Pennant.'</p>
FUL/ 000722/22	Ysceifiog Community Council	Vary/Remove Condition - Variation of Condition 2 Planning Ref: 037406 at Fron Haul Quarry, Nannerch, Mold	<p>A statement of objection was read out on behalf of Sally Heaney (Resident).</p> <p>Maria Cotton (Applicant) spoke in support of the application.</p> <p>Councillor Andrew Parkhurst (adjoining ward Member) spoke against the application.</p>	<p>That planning permission be granted subject to the conditions (as amended below) and revised Section 106 Agreement as set out in the report, in accordance with the officer recommendation.</p> <p>Condition 4 to read: 'Limit type of mineral for extraction and processing to be sand and gravel from Maes Mynnan and Fron Haul only.'</p>

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
				Additional condition 60: 'Facilities for the loading, unloading, parking and turning of vehicles to be provided within the site.'
FUL/ 000186/22	Gwernaffield Community Council	Full application - Retrospective garden decking area at High Croft, Cilcain Road, Pantymwyn	Angela Davies (Resident) spoke against the application. Councillor Adele Davies-Cooke (Local Member) spoke against the application.	That planning permission be granted subject to the conditions set out in the report, in accordance with the officer recommendation. Additional condition to address the height and maintenance of the hedge in consultation with both parties and the Local Member.

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REPORT TO: **PLANNING COMMITTEE**

DATE: **19 JULY 2023**

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

SUBJECT: **ERECTION OF 21 DWELLINGS WITH ADOPTABLE HIGHWAY ACCESS**

APPLICATION NUMBER: **FUL/00077/22**

APPLICANT: **BLACK DOVE DEVELOPMENTS LIMITED**

SITE: **LAND AT RHEWL FAWR ROAD, PENYFFORDD, HOLYWELL**

APPLICATION VALID DATE: **25TH MAY 2022**

LOCAL MEMBERS: **COUNCILLOR GLYN BANKS**
COUNCILLOR G MADDISON

TOWN/COMMUNITY COUNCIL: **LLANASA COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **DUE TO THE SCALE OF DEVELOPMENT**

SITE VISIT: **YES (HELD ON 12 DECEMBER 2022)**

1.00 SUMMARY

- 1.01** This is a full planning application for the proposed erection of 21 dwellings on land at Rhewl Fawr Road, Pen-y-Ffordd. The application site is located on a parcel of land accessed off Cwrt-y-Glower, within the defined settlement boundary.
- 1.02** Members will be aware that this application was originally scheduled on the 23rd November 2022 Committee meeting but deferred to allow the Community Council to address matters of confusion over their response; consideration of drainage implications and to allow a Members Site Visit to be undertaken. Following the deferral, the applicant has completed a Pre-Application Consultation and made amendments to the scheme.

- 1.03** The main issues to consider in determination of the application are the principle of development, highway safety and impact on amenity.
- 1.04** Planning permission was granted for a development of 23 dwellings on the same land which expired back in 2021. The granting of this permission is materially important and originally held significant weight. However, during determination of this application the Flintshire Local Development Plan has been adopted and the policy context for this site has now altered. The application site is located within a Tier 4 Defined Village. Accordingly, and in order to comply with Policy STR2 of the LDP, the application has been amended and the scheme now proposes the dwellings will be 100% affordable. The principle of development is considered acceptable.
- 1.05** Matters including highway safety, drainage and impact on existing residential amenity have been considered at length and are considered acceptable.
- 1.06** It is therefore recommended that planning permission is granted subject to condition and the applicant entering into a Section 106 Agreement in relation to Public Open Space and to secure the Housing Mix and tenure of the dwellings.

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

- 2.01** That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation to provide the following:
- To provide a Public Open Space Contribution of £23,100 in lieu of on-site play provision
 - To secure the housing mix and tenure of the affordable dwellings

Conditions

1. Time limit on commencement
2. Compliance with approved plans
3. Materials
4. Levels
5. Scheme for the parking and turning of vehicles
6. Details of the internal road layout
7. Surface water run-off
8. Construction Management Plan
9. No surface water discharge
10. No tree works unless qualified ecologist present to ensure no adverse impacts upon nesting birds or roosting bats.
11. Tree and hedgerow protection to be submitted, agreed and implemented prior to works commencement.

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 6 months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member(s) Councillor G Banks & Councillor G Maddison: No formal responses received at time of writing report

Town/Community Council: Confirms the concerns from residents that flooding will only increase once the construction of the 21 dwelling commences unless adequate drainage facilities are installed. The Town Council recognizes that the new application will now be subject to providing a SUDS Report, which they do not believe was required when the original application was submitted.

In addition, the note that the proposal for the 21 dwellings provides parking facilities for 3 vehicles per property. This effectively allows 63 vehicles access to the site via an extremely narrow lane, which they consider will cause problems for both vehicles and pedestrians.

Finally the Council point out that the original planning application, 055398, was approved but subject to 17 separate conditions and they want confirmation that all 17 conditions have been met prior to commencement of the building works on this site.

Highways: No objections raised but recommends the imposition of conditions

Community and Business Protection: No objections raised

Welsh Water/Dwr Cymru: No objection subject to the inclusion of a condition relating to surface water

Natural Resources Wales: No objections raised

Coal Authority: Standard developer advice applies

Education: Due to existing capacity at the nearest Primary and Secondary schools no education contribution is sought with regards to this development.

Housing Strategy: Based on the most up to date Local Housing Market Assessment and Flintshire Council's housing waiting lists in relation to "affordable" properties there is a demonstrable demand for 2 and bedroomed dwellings on the affordable housing register. 1 and 2 bedroomed dwellings are most in demand on the social housing register.

4.00 PUBLICITY

4.01 35 Neighbour Notifications were sent to neighbouring properties and a Site Notice was also displayed. Two re-consultation exercises have been completed following the submission of amendments and additional information.

4.02 11 letters of objection have been received and are summarised as follows:

1. Drainage implications for existing properties
2. Highway safety including point of access and traffic volumes
3. Lack of amenities in the village
4. Loss of residential amenity
5. Concerns with the integrity of the applicant

5.00 SITE HISTORY

5.01 055398 - Erection of 23 dwellings with adoptable highway access – Approved 15.12.2016

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

- STR2 The Location of Development
- STR4 Principles of Sustainable Development, Design and Placemaking
- STR5 Transport and Accessibility
- STR11 Provision of Sustainable Housing Sites
- STR13 Natural and Built Environment, Green Networks and Infrastructure
- STR14 Climate Change and Environmental Protection
- PC1 The Relationship of Development to Settlement Boundaries
- PC2 General Requirements for Development
- PC3 Design
- PC4 Sustainability and Resilience of New Development
- PC5 Transport and Accessibility
- PC6 Active Travel
- HN2 Density and Mix of Development
- HN3 Affordable Housing
- EN1 Sports Recreation and Cultural Facilities
- EN2 Green Infrastructure
- EN4 Landscape Character
- EN6 Sites of Biodiversity and Geodiversity Importance
- EN7 Development Affecting Trees, Woodland and Hedgerows
- EN14 Flood Risk
- EN15 Water Resources

Supplementary Planning Guidance Notes

- SPGN No 2. Space Around Dwellings
- SPGN No 3. Landscaping
- SPGN No 4. Trees and Development

National Planning Policy

- Planning Policy Wales Edition 11
- Future Wales: The National Plan 2040

7.00 PLANNING APPRAISAL

7.01 Site Description

The site is a 1ha area of land, roughly trapezoidal in shape and occupies a position within the settlement of Pen-y-Ffordd as defined within the FUDP. The site slopes gently downhill from a high point in the northwest to south-eastern boundaries with the newly constructed properties at Cwrt-y-Glowyr. The site is presently vacant, semi improved pastureland with access derived via a field gate from Cwrt- y-Glowyr.

7.02 The site is surrounded on 3 sides by existing residential development. The linear form of development to the north follows Ffordd Picton and comprises a mix of single and 2 storey dwellings. The aforementioned dwellings at Cwrt-y-Glowyr abut the application site to the southeast. The dwellings and garden areas at the northern end of Coed Mor, along with a communal garage area, form the southern boundary. Boundaries to the west abut further areas of agricultural land which are within open countryside. Boundaries are formed by hedgerows which have developed into expanses of scrub projecting into the site. A small stream is in evidence within the area of the north- western boundary.

7.03 The character of built form in the area varies, comprising mainly detached and semi-detached 2 storey and single storey dwellings to the north and east, whereas terraces and semi-detached properties dominate built form to the south.

7.04 Proposed Development

The application is for a proposed development of 21 two storey dwellings which will consist of 2 different sized houses with associated parking, access road and amenity spaces. An area of 600m² adjacent to the western boundary will be left as grassland and scrub to provide a natural habitat resource, including one of the two existing mature trees.

7.05 The dwellings will vary in size with 16 No. 3-bedroom dwellings and 5 No. 2-bedroom detached dwellings. The properties will have between 51 and 240 square metres of private amenity space. 3 Car parking spaces will be provided for each of the dwellings and are located adjacent or in close proximity to the dwelling entrance.

- 7.06 Following the adoption of the Local Development Plan, which is detailed further below, the applicant has amended the application and the scheme is now proposed as entirely affordable which will be secured through the Section 106 Agreement.
- 7.06 Principle of Development
- Policy STR2 of the Flintshire Local Development Plan identifies settlement hierarchies within the County. Penyffordd is listed as a Tier 4 Defined Village which benefit from some services and facilities with which to sustain local needs. The Policy goes on to states that:
- 7.07 In Tier 4 Defined Villages housing development will only be permitted within settlement boundaries related to the scale, character and role of the settlement and which delivers local needs affordable housing. Provision will include:
- i. Windfall market housing (only permitted when essential to delivering affordable housing).
 - ii. Exceptions Schemes for Affordable Housing adjoining settlement boundaries
- 7.08 The Councils Housing Strategy Manager has provided an up to date position with regards to Affordable Housing Need in the sub-market area. It is confirmed that there is demonstrable demand for most property types, with 2 and 3 bedroomed houses being most in demand for those registered on the Affordable housing register. There is a slight difference with regards to social rent where the greatest demand is for 1 and 2 bedroomed properties. There is also demand for larger 4 bed General needs homes.
- 7.09 With regards to tenure mix as the scheme is entirely affordable with no market dwellings the tenure mix will be determined on a site specific basis taking into account housing need, size of development, local area, and overall scheme viability. This can be secured through the Section 106 Agreement.
- 7.10 The application as amended is now fully compliant with both local policy and will help to achieve the target number of affordable dwellings across the County as set out in the Plan. The principle of development is acceptable.

- 7.11 Design
This application varies slightly from that previously approved in terms of the layout and a reduction in the number of dwellings to 21 in total. The surrounding village of Penyffordd is characterised by a mixture of property types, styles and ages with a variety of arrangements of built form but has no overall dominant local vernacular. The proposed development is considered visually acceptable.
- 7.12 The layout takes full account of the existing dwellings adjacent to the site by maintaining separation distances which are in line with Council standards on space about dwellings and overlooking to secure privacy and amenity as well as respecting the private gardens of adjacent houses. The previous planning permission for this site secured additional boundary treatment details by way of a condition and I consider it important to re-impose that condition to safeguard amenity. The revised layout is such that separation distances and amenity spaces are adequate and therefore there is no need to restrict permitted development rights.
- 7.13 Notwithstanding representations made by residents, I consider the proposals provide an adequate and appropriate response to the design issues raised in connection with the consideration of this application.
- 7.14 Highway Safety
Access to the site is derived from the residential cul-de-sac of Cwrt-y-Glower. Three parking spaces per dwelling are provided which is in fact above the levels as set out in policy PC5 of the FLDP. Highways Engineers have assessed the proposal and raise no objections in terms of road layout, access or parking provision.
- 7.15 Whilst the concerns of local residents with regards to an increase in traffic levels in the village are noted, with no objections on highway safety grounds it is considered that the proposal is compliant with policies STR5 and PC5 of the Flintshire Local Development Plan.

- 7.16 Public Open Space
The proposals do not provide for on-site public open space intended for formal recreation and play. Consultation with Aura Leisure has revealed that rather than formal provision within the site for play, and in accordance with the previous planning permission, a commuted sum should be sought to be utilised in connection with projects for play and recreation within the community.
- 7.17 The consultation has established that the sum requested should be used in connection with a project to upgrade existing play facilities at the nearby Coed Mor children's play area to the south of the site.
- 7.18 In accordance with the requirements of the Community Infrastructure Levy Regulations (CIL) 2010, this sum, when pooled would not exceed 5 contributions towards a single project.
- 7.19 Education Contributions
Having regard to SPG23: Developer Contributions to Education, the development would not give rise to any contribution requirement at either Primary or Secondary School level as there is sufficient capacity within the schools in question.
- 7.20 Education colleagues have confirmed that the nearest primary school (Ysgol Bryn Garth C. P). has a surplus of spaces for additional pupils. The proposals would give rise to an additional 6 pupils. Accordingly, no contribution is sought for primary educational purposes as a consequence of this development.
- 7.21 The capacity at the nearest secondary school (Ysgol Treffynnon). Also has a surplus of spaces for additional pupils. The proposals would give rise to an additional 4 pupils. Accordingly, no contribution is sought for secondary educational purposes as a consequence of this development.
- 7.22 Drainage
With regards to drainage Welsh Water confirm that capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. Welsh Water advise specifically that the application proposes to utilise permeable paving, and the applicant is advised that a service corridor should be provided around public sewers to allow access to these assets which would be included as a note on the decision notice.
- 7.23 Welsh Water also note that the applicant proposes to discharge surface water to a nearby watercourse and offer no objection to this in principle.
- 7.24 Concerns have been raised by local residents with regards to existing drainage capacity issues in the village and the potential of flooding

from the site. With regards to capacity issues this has been adequately addressed above with Welsh Water confirming that there is capacity.

7.25 The residents claim that flooding has occurred and worsened since the granting of planning permission previously. The site is not in a recognised flood zone and neither NRW or Welsh Water raise flooding as a concern despite complaints made directly to them from local residents. In addition there is no evidence provided that the proposed development will exacerbate problems which appear to exist at times of extreme rainfall. Members will be aware that the application will be subject to SAB approval which will consider the methods of sustainable surface water drainage. The submission and approval of a suitable scheme to deal with surface water from the development will be an improvement to the lack of drainage facilities which exist currently.

7.26 Ecological Matters

The application is supported by a Preliminary Ecological Appraisal which confirms that the site is not subject to any statutory or non-statutory designations. However, the site's western hedgerow boundary is likely to serve a landscape-scale role in connecting the nearby woodland to the wider landscape, and so is ecologically valuable green infrastructure when evaluated in the wider context. The site also has supporting value for protected species.

7.27 The site has the potential to support protected species such as foraging bats, nesting birds, great crested newts, reptiles and hedgehogs. All other protected species are likely absent from the site, due to unsuitable habitats, levels of disturbance, species range, and/or landscape context.

7.28 Although avoidance measures and mitigation measures will likely reduce any impact on protected species it is recommended that for security conditions relating to works to trees and the hedgerow be imposed.

7.29 CIL Compliance

The infrastructure and monetary contributions that can be required from the proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'. It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests:

1. be necessary to make the development acceptable in planning terms;
2. be directly related to the development; and
3. be fairly and reasonably related in scale and kind to the development.

As triggered by the proposed scale of the development, there is a developer requirement towards enhancing public open space in the

vicinity of the development. The developer has agreed to make a total payment of £23,100 towards the Coed Mor children's play area which has not received more than 5 contributions towards this project to date.

7.30 It is considered that the contribution required meets the Regulation 122 tests

7.31 Other Matters

Representations from a local resident raise concern with the integrity of the applicant and the fact that the previous planning permission lapsed. Neither of these matters are planning related or are material to the consideration of this application.

8.00 CONCLUSION

This application seeks planning permission for the proposed development of land at Rhewl Fawr Road, Penyffordd. Planning permission was granted for residential development of 23 dwellings on this land which lapsed in 2021. During determination of this application the Flintshire Local Development Plan has been adopted which changes the policy context for this site. The application site is located within a Tier 4 Defined Village and as such the policy requires that the windfall site provide local needs housing. The applicant has addressed this change and has amended the application to be entirely affordable housing. The principle of development complies with Policy STR2 and PPW11 and will help contribute towards providing the affordable housing target as set out in the Plan.

Matters including highway safety, drainage, ecological implications and public open space contributions have been assessed and are considered acceptable.

Concerns raised by residents in relation to residential amenity have been considered but the proposal complies with both local planning guidance and supplementary planning guidance.

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

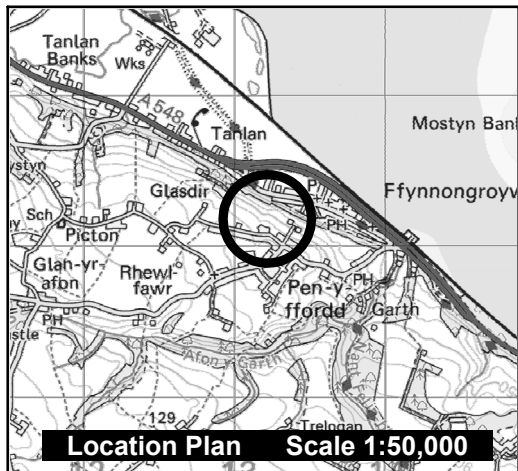
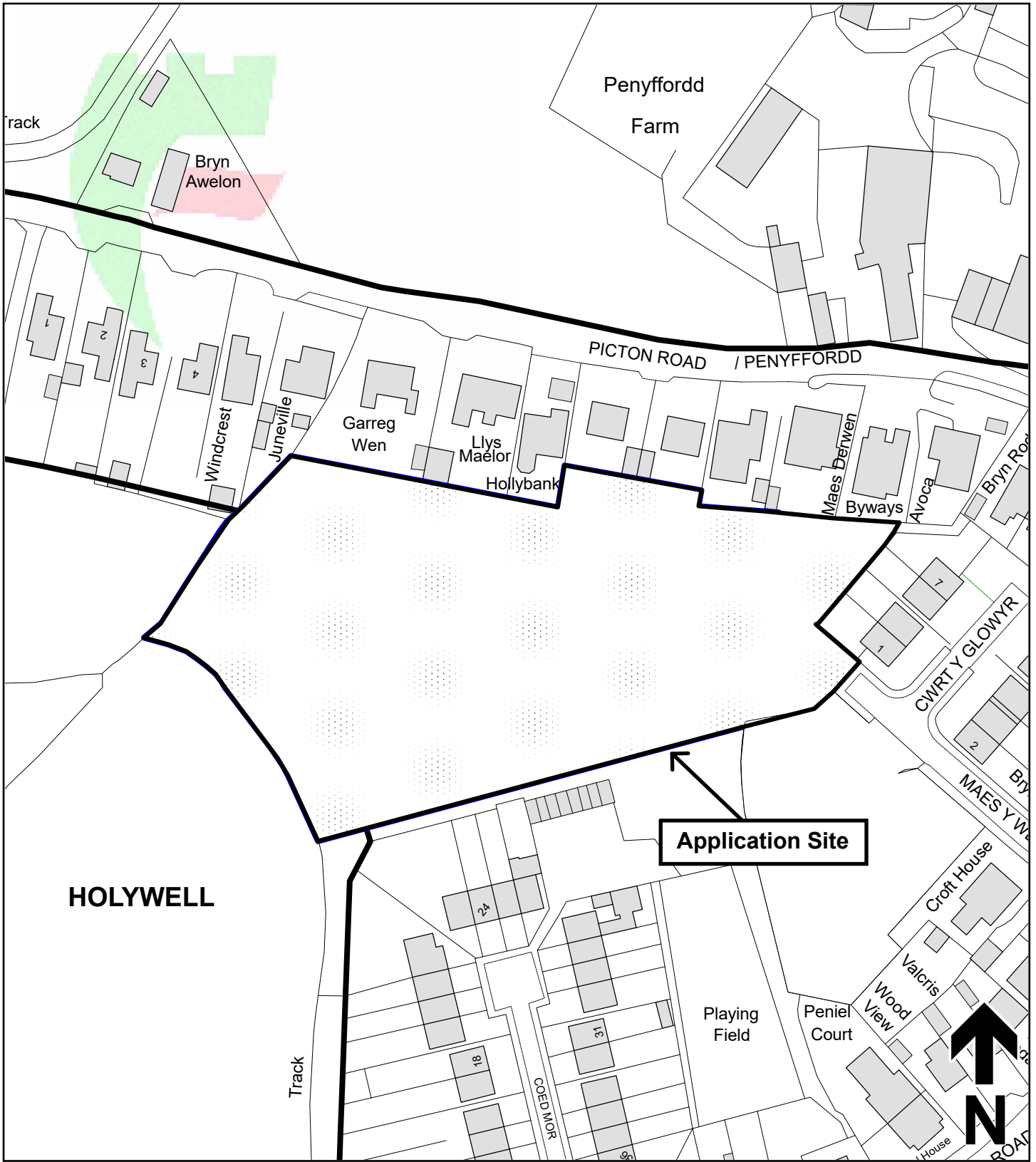
Responses to Publicity

Contact Officer: Claire Morter

Telephone: 01352 703299

Email: claire.e.morter@flintshire.gov.uk

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Planning, Environment & Economy,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 1382

Planning Application FUL/000077/22

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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.

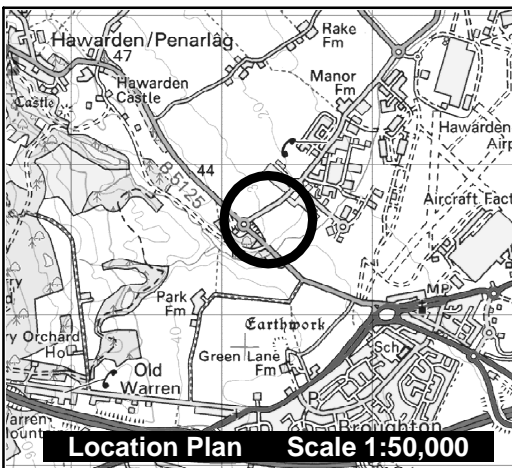
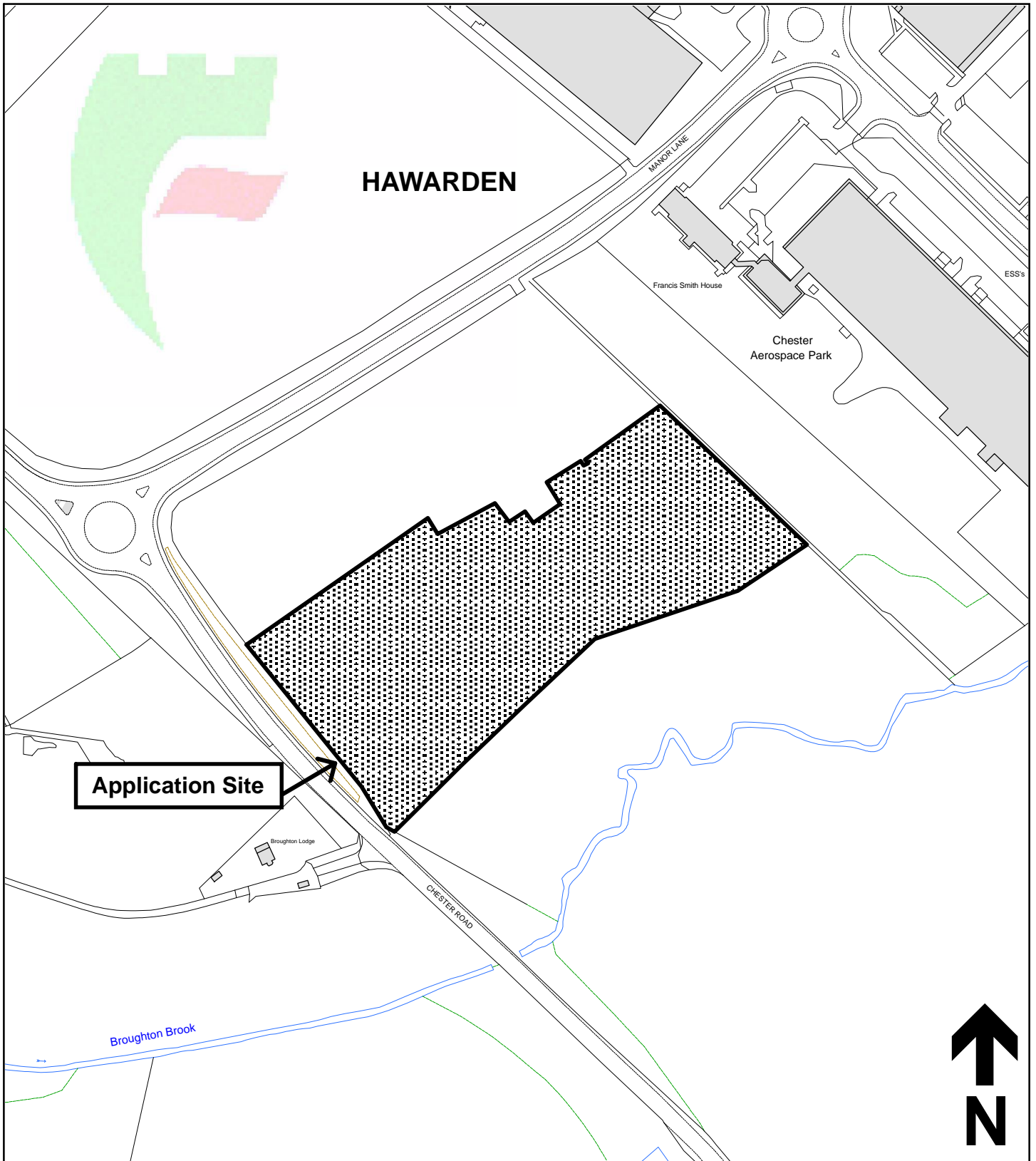
LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: James Beattie

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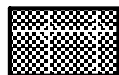
Email: james.beattie@flintshire.gov.uk



Planning, Environment & Economy,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 3364

Planning Application **FUL/000345/23**

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