

FLINTSHIRE COUNTY COUNCIL

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

DATE: **17TH DECEMBER 2014**

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

SUBJECT: **FULL APPLICATION – ERECTION OF OFFICE (B1) AND STORAGE (B8) BUILDING WITH ASSOCIATED LANDSCAPING AND PARKING AT VISTA, ST. DAVID’S PARK, EWLOE.**

APPLICATION NUMBER: **052803**

APPLICANT: **ENFYS DEVELOPMENT**

SITE: **VISTA,
ST. DAVID’S PARK, EWLOE.**

APPLICATION VALID DATE: **15TH OCTOBER 2014**

LOCAL MEMBERS: **COUNCILLOR MS A.M. HALFORD
COUNCILLOR D.I. MACKIE**

TOWN/COMMUNITY COUNCIL: **HAWARDEN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST & REQUIREMENT FOR LEGAL AGREEMENTS**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This application is for the erection of an office and storage building with associated landscaping and parking at Vista, St. David’s Park, Ewloe. The main issues to consider are the principle of the development in planning policy terms, the highway and wildlife implications, the effects upon the character and appearance of the area and the stability of the land to construct the development from previous coal mining workings.

1.02 As the site is located within the settlement boundary for Ewloe and is

allocated for high quality office development, the proposal is considered acceptable in planning policy terms. In highway terms, the proposed two access points are considered acceptable and the car parking provision accords with the maximum standards in the Local Planning Guidance. However, there is a shortfall in the number per employee. This is not too excessive (9) and a travel plan has been requested as a condition upon the recommendation to grant planning permission which will force the operators to consider other means of transport than the car with a subsequent reduction in the demand for car parking spaces. The building will be high quality in terms of design and materials and thus be in keeping with the area and the Coal Authority confirms the stability of the land is acceptable for the building.

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 or Unilateral Undertaking to secure the following:-

- a. Ensure the payment of £4,000 towards the Authority's costs of consultation and making of a traffic regulation order to restrict on-street parking.

Conditions

1. Five year time limit on commencement of development.
2. In accordance with approved plans.
3. All external materials to be further submitted and approved.
4. No land drainage into the public sewerage system.
5. Surface water to discharge to the public surface water sewerage system.
6. Foul water and surface water, discharges drained separately from the site.
7. Siting, layout and design of site accesses to be in accordance with details to be further submitted and approved.
8. Development not be brought into use unless and until all the works involved in construction of turning head at western accesses are completed.
9. Forming and construction of site access not commenced unless and until detailed design further submitted and approved.
10. Proposed access onto Cefn y Ddol shall have a visibility splay of 2.4 m x 43 m in both directions measured along nearside edge of adjoining carriageway and no significant obstruction to visibility.
11. Visibility splays at proposed point of access made available and kept free from all obstructions for duration of site construction works.
12. Proposed access barriers designed to open vertically only and

- positioned a minimum distance of 5 m from edge of existing carriageway.
13. Gradient of access from edge of carriageway and for minimum distance of 10 m shall be 1 in 24.
 14. Positive means to prevent run-off of surface water onto highway to be further submitted and approved.
 15. Construction traffic management plan submitted and approved in writing by the Local Planning Authority.
 16. Full Travel Plan and Transport Implementation Strategy shall be further submitted and approved in writing prior to first use.
 17. Site investigation of nature and extent of contamination carried out in accordance with methodology further submitted and approved. Any contamination found, report specifying measures to be taken to remediate the site to be further submitted and approved.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Ms A.M. Halford

No response received to date.

Councillor D.I. Mackie

Requests that the application be referred to Planning Committee. Similar to the other application from same Agent on adjacent land.

Concerns as before. Disproportionate number of parking spaces per staff. Situation slightly worse as number of staff may be more and some parking spaces on road will be lost when entrance to the building is created.

Must be negotiations from start about number of additional parking spaces and travel plan decided before committee report prepared. Same condition imposed as previous application, namely all users must park inside the site.

Hawarden Community Council

No objection subject to there being sufficient car parking provided for all staff.

Highways Development Control Manager

Two proposed access points to the site. Cefn y Ddol and from cul de sac at rear of Running Hare. Cefn y Ddol never been adopted and is subject to on street parking and obstruction issues, parking restrictions will be required in order to address this. Access from rear of Running Hare provided from a turning head that has previously been granted but not constructed. This turning head will need to be constructed prior to occupation of the development.

Development includes car parking for 56 vehicles, commensurate with

maximum standards in LPGN11 as well as cycle and motorcycle storage. Design and Access Statement notes that the company will promote greener methods of travel (including car share). This requires a strengthened commitment and a Travel Plan will be required.

No dedicated pedestrian route linking between roadside footway and building entrance. Ample opportunity to address this.

Section 106 Agreement of £4,000 required to cover Authority's cost of consultation and making of a Traffic Regulation Order to restrict on-street parking.

Recommends any permission include suggested conditions.

Head of Environmental Protection

No objections in principle to application. Site is in an area with mining history and as such there is a potential for land to be contaminated.

Recommends site investigation report be submitted as a condition upon any grant of planning permission.

Economic Development Manager

Site has potential to create 65 new sustainable jobs within an area of strategic importance near to Deeside Industrial Park. Proposal is in keeping with the immediate business environment and development of this provides the potential to grow Wales GDP and drive the economy.

Site will be developed to suit a range of commercial users and can equally meet the demands of local businesses that wish to expand or a new investment moving to the area.

Therefore Business Development supports the application.

Natural Resources Wales

Proposals approximately 1 km from protected areas. Given nature and scale of development, consider development is unlikely to have a significant adverse effect upon these protected sites.

Great Crested Newts likely to be present due to habitats and features nearby. Applicant should be conditioned to propose and deliver amphibian mitigation proposals to the satisfaction of the Local Planning Authority.

Recommends liaison with Authority's Ecologist regarding whether a bat survey is required and effects on all species and habitats listed in Section 42 of NERC Act 2006.

Dwr Cymru Welsh Water

No response received to date.

The Coal Authority

Considers that the content and conclusions of Phase II Geo Environmental Investigation Report (August 2014) and Geo Technical Report (October 2001) are sufficient in demonstrating that the application site is, or can be made safe and stable for the proposed development withdraws its objections. Further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

SP Energy Networks

Have plant and apparatus in area. Advised to contact them before any development takes place.

Wales & West Utilities

No objections. However, apparatus may be at risk during construction works and should the development be approved requires the promoter of the works to contact them to discuss their requirements.

Airbus

Does not conflict with safeguarding criteria. Therefore no aerodrome safeguarding objections to the proposals.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

One letter of objection received. The grounds of objection being:-

- Why more office accommodation being built when units lie empty across the road?
- More traffic especially with the parking all along side of road will be more of a hazard.

5.00 SITE HISTORY

5.01 **4/1/17483**

Outline application for business park, hotel, residential development, local centre, school, roads, open space and associated development – Granted 9th December 1988.

Adjoining Site – North

052507

Erection of 2 storey office with associated landscaping and parking – Granted.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.
STR2 – Transport & Communications.
STR3 – Employment.
STR8 - Built Environment.
GEN1 – General Requirements for Development.
GEN2 – Development Inside Settlement Boundaries.
D1 – Design Quality, Location & Layout.
D2 – Design.
D3 – Landscaping.
WB1 – Species Protection.
WB2 – Sites of International Importance.
WB3 – Statutory Sites of National Importance.
AC4 – Travel Plans for Major Traffic Generating Developments.
AC13 – Access & Traffic Impact.
AC18 – Parking Provisions & New Development.
EM2(3) – High Quality Site Allocations – St. David’s Park, Ewloe.
EWP12 – Pollution.
EWP13 – Nuisance.
EWP14 – Derelict & Contaminated Land.
EWP15 – Development & Unstable Land.
EWP16 – Water Resources.

Local Planning Guidance Note 8 - ‘Nature Conservation & Development’.

Local Planning Guidance Note 11 – ‘Parking Standards’.

National Planning Policy

Planning Policy Wales (Edition 6, February 2014).

Technical Advice Notes, Nature Conservation & Planning (2009).

Technical Advice Note (TAN) 23: Economic Development (2014).

As the development is for a high quality office building and the site is allocated as such by virtue of Policy EMP2(3), the proposal is considered acceptable in principle in planning policy terms.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises of approximately 6,754 sq.m. of an open, flat, mown, irregular shared piece of land located on St. David’s Park, Ewloe.

7.02 It is situated in between a smaller piece of open, flat, mown grassed area to the north adjacent to the existing pub and restaurant of the Running Hare and the existing building and car park of Money Supermarket to the south. It is bound to the east by Cefn y Ddol Road

and to the west by the existing building and car park of HSBC.

- 7.03 The proposals involve the erection of a 3 storey office building for Wales & West Housing Association, together with office and storage accommodation for their sister company Cambria Maintenance, with associated parking, landscaping and external lighting.
- 7.04 The building will measure approximately 46 m x 12.5 m x 10 m and will be constructed within materials common to the area including facing brick, cladding, curtain wall glazing and timber. The building will be located to the north of the site.
- 7.05 The parking to be provided will be for 56 vehicles, 6 bicycles and 3 motorcycles which will be located to North-East of the site.
- 7.06 A new site access will be formed from Cefn y Ddol to allow vehicular and pedestrian access to the main entrance facing this road. A further site entrance will be created upon the southern side of the existing turning head to the west by The Running Hare. This will allow access for Cambria Maintenance operatives and refuse services.
- 7.07 Issues
The main issues to be considered within the determination of this planning application are the principle of the development in planning policy terms, the highway and wildlife implications, the effects upon the character and appearance of the area and the stability of the land to construct the development from previous coal mining workings.
- 7.08 Background
Members may recall that a similar application was reported to the Planning & Development Control Committee on 8th October 2014 on land immediately north of this site under 052507 whereby it was granted planning permission subject to conditions. The main issue was whether or not there were a sufficient number of parking spaces on site for the development so as not to lead to on street parking to the detriment of highway safety.
- 7.09 It was considered that although the number of car parking spaces accorded with the Local Planning Guidance Note 11 maximum standards in terms of floorspace of the building, in relation to the number of employees only 50% were being provided. However, a condition was placed upon the planning permission, regarding the submission and approval of a travel plan which forces the operator of the development to consider all modes of transport to the site which will result in a reduction of the number of vehicles arriving on site and the subsequent demand for parking spaces.
- 7.10 Principle of Development
The site is located within the settlement boundary for Ewloe and allocated for high quality B1 (Office) uses by virtue of Policy EM2(3)

within the adopted Flintshire Unitary Development Plan. Therefore the principle of this prestige office development is considered acceptable in principle in planning policy terms.

7.11 Highway Implications

There are to be two proposed access points to the site, one from Cefn y Ddol and the other from the cul-de-sac at the rear of The Running Hare. Parking within the site will be for 56 vehicles, 6 bicycles and 3 motorcycles.

7.12 The Highways Development Control Manager advises that on the access points, that Cefn y Ddol has never been adopted as publicly maintainable highway and is subject to on-street parking and obstruction issues. Therefore it is proposed to have a traffic regulation order to restrict on-street parking either side to address these issues. A Section 106 Agreement to the value of £4,000 is required to cover the authority's cost of consultation and making of this Traffic Regulation Order. In terms of the proposed access from the cul-de-sac at the rear of the Running Hare, this turning head has been previously granted planning consent but has not been constructed. It will be needed to be constructed prior to the occupation of this development and has been conditioned as such on the recommendation to grant planning permission.

7.13 In terms of the car parking provision, cycle and motorcycle storage this accords with the maximum standard imposed by Local Planning Guidance Note 11 – Parking Standards as these are based on the gross floor area of the development. However, there will be a shortfall in the parking provision for the number of employees by 9.

7.14 This shortfall is not considered too excessive. However, the Highways Development Control Manager has recommended the submission and approval as a condition on any planning permission granted, a Travel Plan which will force the operator of the development to consider all modes of transport to the site which will result in a reduction of the number of vehicles arriving on site and the subsequent demand for parking spaces. The inclusion of a Transport Implementation Strategy will cover the requirements to undertake any additional work required to implement the Travel Plan whether this be the provision of additional pedestrian/cycle routes, improved public transport, additional on-road parking restrictions or whatever means is required.

7.15 Wildlife Implications

The proposed development lies approximately 1 km from the protected areas of the Deeside and Buckley Newt Sites Special Area of Conservation (SAC), Connah's Quay ponds and woodland site of Special Scientific Interest (SSSI), Buckley Claypit and Commons Site of Special Scientific Interest (SSI). Given the nature and scale of the development, it is considered that the development is unlikely to have

a significant adverse effect upon these protected sites.

- 7.16 As regards protected species, there are no great crested newts records new or old within 500 m of the site. Whilst the map does show ponds within the area these are formally managed landscape features with low potential for great crested newts. Since the nearest great crested newt records are either r800 m to the north or over 1.2 km to the south west, there is a minimal chance of their presence on the site.
- 7.17 As no trees or hedgerows are to be removed, then a bat survey is not required.
- 7.18 Character & Appearance of Area
The site is located in a visually prominent open area on an existing Business Park amongst other 2-3 storey, high quality, contemporary designed office buildings.
- 7.19 The building will be 3 storeys in height and be of a contemporary design and of materials common to the area including facing brick, cladding, curtain wall glazing and timber.
- 7.20 Give the existing buildings and that which was recently granted planning permission immediately adjacent to the development are 2-3 storeys in height, of a contemporary design and are/will be constructed in similar materials to the proposed, it is considered that the proposals will be in keeping with area.
- 7.21 Stability of Land – Coal Mining
Within the site and surrounding area there are coal mining features and hazards which need to be considered in the determination of the application.
- 7.22 The Coal Authority previously objected to this planning application as the Applicant had failed to submit the required Coal Mining Risk Assessment in support of their application.
- 7.23 The site is located to the east of the fault on the site and the Phase II Report concludes that shallow mine workings do not pose a risk to the proposed development. Therefore, no specific remedial measures are recommended to address coal mining legacy. The Coal Authority now therefore withdraw their objection.

8.00 CONCLUSION

- 8.01 For the above reasons, it is considered that the proposals are acceptable in planning terms.
- 8.02 In considering this planning application 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.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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