

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **29th SEPTEMBER 2021**

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

SUBJECT: **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.**

APPLICATION NUMBER: **062483**

APPLICANT: **REDSUN PROJECTS LTD C/O CADNANT PLANNING**

SITE: **LAND AT MANOR LANE, HAWARDEN, FLINTSHIRE**

APPLICATION VALID DATE: **18th FEBRUARY 2021**

LOCAL MEMBERS: **COUNCILLOR W MULLIN**

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

REASON FOR COMMITTEE: **SIZE OF THE PROPOSAL**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is full application for the erection of three commercial buildings (Use Class B1, B2, B8) ranging from light industrial, business uses and storage uses including the construction of an access road, pump house, substation, installation of associated infrastructure and platform bases for additional units to form an expansion of Hawarden Business Park.

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

2.01 That conditional planning permission be granted, subject to the following conditions and Section 106 Obligation to provide:

- Bus stop improvements

Conditions

- 2.02
- Time
 - Compliance with the approved plans
 - Preliminary risk assessment
 - Contamination verification report
 - Long term monitoring plan
 - Unsuspected contamination
 - Lighting plan
 - Improved pedestrian facilities via S278 Agreement
 - Siting, layout and design of means of site access
 - Forming and construction of the means of site access
 - Works associated with forming site access shall be kerbed and completed to carriageway base course layer
 - Visibility splays
 - Parking, turning, load and unloading facilities
 - Layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads
 - Prevention of surface water run-off onto highway via S278 Agreement
 - Construction Traffic Management Plan
 - Travel Plan and Transport Implementation Strategy (TIS)
 - Foul water drainage scheme
 - Environmental Management Plan for existing and proposed habitats
 - Tree Protective Fencing along the southern boundary to demark the edge of the site during development

3.00 CONSULTATIONS

3.01 Local Member W Mullin

Councillor Mullin agreed to the determination under delegated powers. However, the size of the proposal triggers the need for planning committee.

3.02 Broughton Bretton Council

No objection to the proposals.

- 3.03 Highways Development Control
Previously consulted by the applicant as part of the pre-application consultation process. Proposals have been modified and generally comply with highways requirements however further modifications relating to adoption standards need to be covered by condition and negotiated through the S38 process.
- 3.04 A S106 agreement for the payment of £12,000 to cover the cost of bus stop improvements is also required.
- Ecology
- 3.05 Recommendations within ecological report are acceptable. Requests condition regarding the submission and agreement of a Management Plan for existing and created habitats.
- 3.06 Community and Business Protection
No objection in principle but advises that the site is in an area where there is potential for the presence of historical contamination in all or part of the proposed site and therefore conditions are suggested.
- 3.07 Business Development
Is supportive of the application as there is clear demand for new commercial units within Flintshire including Hawarden with high demand for B1, B2 and B8 uses. The proposal will support the economic resilience of the county including new employment sites and local workforce opportunities.
- 3.08 Natural Resources Wales
Have concerns about the application but are satisfied that these can be overcome by attaching conditions regarding land contamination and protected species.
- 3.09 Airbus
No aerodrome safeguarding objection.
- 3.10 Welsh Water
In the absence of a detailed drainage plan / layout suggests condition requiring the submission and approval of a foul water drainage scheme.
- 3.11 Development Plans
No objection to the proposed development in principle.
- 3.12 Trees
No objection subject to a planning condition requiring the submission and approval of Tree Protective Fencing along the southern boundary to demark the edge of the site during development in accordance with the proposed plan.

4.00 PUBLICITY

4.01 Neighbour notification letters posted. 2 letters of objection received raising the following:

- Highways safety concerns regarding HGV movements;
- Insufficient landscaping;
- Substandard cycle infrastructure;
- Increased traffic and speeding hazards;
- Drainage;
- Existing and unused land and business units elsewhere on brownfield land; and
- Impact on badger population.

5.00 SITE HISTORY

5.01 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

40732

5.02 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 Unitary Development Plan

STR1 - New Development

STR2 – Transport and Communications

STR3 – Employment

STR7 – Natural Environment

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

EM1 – General Employment Land Allocations

EM3 – Development Zones and Principal Employment Areas

RE1 – Protection of Agricultural Land

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

EWP17 - Flood Risk

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) 15: Development and Flood Risk

Technical Advice Note (TAN) 18: Transport

Technical Advice Note (TAN) 23: Economic Development

7.00 PLANNING APPRAISAL

Introduction

7.01 This is a full application for the 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.

7.02 The site previously formed part of a wider outline planning consent for an extension to Hawarden Business park for employment purposes to include B1, B2 and B8 uses (ref. 040732) and a S73 permission to extend the submission of reserved matters (ref. 050673) however neither permission appear to have been implemented.

Site Description

7.03 The application site is located to the south of Manor Lane and the east of Chester Road (B5125) to the north of the defined settlement boundary of Broughton. The site is currently accessed via a field gate off Manor Lane.

7.04 The site currently comprises undeveloped greenfield land which is in agricultural use and slopes downwards to the south east. The land is designated as 'best and most versatile' agricultural land (Grade 2) in the predictive Agricultural Land Classification (ALC).

7.05 The site is located to the west of the existing Hawarden Business Park and forms part of a larger UDP employment allocation EM1.2 (Manor Lane / Hawarden Park Extension).

7.06 A watercourse is located to the south of the site (Broughton Brook) which is situated within Flood Zone C2, however the developable area of the site is not situated within a Flood Zone.

Proposed Development

7.07 The application proposes the erection of 3no. commercial buildings. The illustrative plans demonstrate that the 3 buildings could be subdivided, depending on operator requirements, to provide 4no. units measuring:

- 19,380sq.ft (A01)
- 10,298sq.ft (A02)
- 15,000sq.ft (A03)
- 15,000sq.ft (A04)

7.08 The units will be accessed off a new access point taken from Manor Lane, with an internal state road providing access to the parking and loading / delivery areas for each building.

7.09 A foul pump house and electricity substation are also proposed as part of the application with their locations illustrated on the submitted site layout plan. A separate layby will be provided for access to the pump house.

7.10 The application also proposes 2no. plateaus to be used as platform bases for future employment development on site. A gravel access road is proposed to connect the future uses to the internal estate road, separated from the proposed units via gated access.

7.11 An attenuation storage basin and associated earthworks are proposed to the southern extent of the site.

7.12 Main Issues

- Principle of Development
- Best and Most Versatile (BMV) Land
- Flood Risk
- Drainage
- Design
- Impact on neighbouring living conditions
- Highways
- Impact on nature conservation sites, landscape & historic features

Principle of Development

7.13 UDP Allocation EM1.2 states that B1, B2 and B8 employment development is permitted subject to meeting the four criteria in the policy:

- i. is of an appropriate type and scale for both the site and its surroundings;
- ii. will not unacceptably harm residential or other amenity or restrict neighbouring uses;
- iii. provides satisfactory on-site parking, servicing and manoeuvring space and that the highway network (including access and egress) is adequate to safely cater for the type and volume of traffic generated by the proposal; and
- iv. has no significant adverse impact on the integrity of nature conservation sites, the landscape and historic features.

- 7.14 This allocation is carried over into the Deposit Local Plan under Policy PE1.2. Within the Deposit Plan the site also falls within the Principal Employment Area of Hawarden Industrial Park, Chester Aerospace Park and Hawarden Airport under Policy PE2.16. Both policies allocate the site and permit development for B1, B2 and B8 employment uses.
- 7.15 It is therefore considered that the principle of B1, B2 and B8 employment uses on the application site is acceptable, subject to the consideration of the designation of the site as Best and Most Versatile Land and areas of C2 flood risk, the four criteria of Policy EM1.2 and other relevant UDP policies are met.
- 7.16 Best and Most Versatile Agricultural Land
Whilst the application site is acknowledged to be Grade 2 'best and most versatile' agricultural land and would be sought to be protected under UDP Policy RE1. However, the site is also subject to an allocation for employment development.
- 7.17 As part of the Deposit Consultation on the LDP the Council produced a Background Paper on Agricultural Land (reference LDP-EBD-BP9) which documented how the Council sought to minimise the loss of employment land. Paragraph 7.3 of that document relates to the site, and states:
- 7.18 *'The only employment allocation which does result in the actual loss of BMV is the Hawarden Park Extension near to Broughton. The site is allocated in the UDP and has previously had the benefit of outline planning permission and the principle of developing the site for employment development is well established. The site represents a logical extension to the existing industrial estate and is bounded by the Airbus operations at Hawarden Airport and by Manor Land and the B5125 Chester Road. The physically well-defined site is distinct from the wide agricultural landscape. It sits in a strategic location within the Deeside Enterprise Zone and close to key employment developments at Broughton. In this context, the loss of BMV is considered to be justified and necessary to the economic ambitions of the Country and sub-region.'*
- 7.19 In Welsh Governments (Development Plans Division) representations to the Plan they cover the issue of BMV agricultural land, noting that the Council has taken a pragmatic and sensible approach to protecting BMV land and minimising its loss in the plan. Allocations that would represent a loss of BMV have been well evidence for an overriding need (sequential test) and a balanced judgement has been made. In their conclusion, the Welsh Government were of the view that the Council has demonstrated a sensible and pragmatic approach to considering BMV loss in the context of national policy and on that basis no objection has been offered.

- 7.20 Whilst accepting that the allocation involves the loss of BMV, this is considered to be 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.
- 7.21 Flood Risk
During the application process, NRW raised concerns as to whether the proposal could demonstrate that the consequences of flooding could be acceptably managed over the lifetime of the development. Their primary concern was in relation to the impact of the proposal on flood risk elsewhere.
- 7.22 Consequently, the scheme has been amended through an addendum to the Flood Consequences Assessment which removes the requirement for any land raising within the flood outline area. NRW have subsequently removed their concerns and are satisfied the development will not impact adversely on flood risk elsewhere.
- 7.23 Design
With regards to criterion i) of Policy EM1.2 the development is considered an appropriate type, comprising buildings for employment (B1, B2 and B8) use within an adopted and emerging employment allocation. The scale of development is also considered appropriate given the site's location within Hawarden Business Park extension and the proposed unit sizes would permit a range of future end users.
- 7.24 Whilst it is acknowledged that the units proposed to be sited on the platforms would be subject to a future planning application, the submitted Planning Statement indicates that six units in total would be ultimately proposed within the redline boundary.
- 7.25 The height, massing and design of the proposed buildings is also considered acceptable, with a mixture of coloured cladding design proposed to break up the massing of the buildings, and landscaping incorporate to buffer the site. The area within the C2 floodzone will remain undeveloped.
- 7.26 The proposals are considered to accord with criterion i) of Policy EM1, policies D1, D2 and D3.
- 7.27 Neighbouring Living Conditions
With regards criterion ii) of Policy EM1 and the impact on residential and other amenity, 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.

- 7.28 It is proposed that the units could operate 24 hours. No objection has been raised by colleagues in pollution control and no requirement to apply a restriction on hours of operation.
- 7.29 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.
- 7.30 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.
- 7.31 Highways
In accordance with criterion iii) the proposal will provide satisfactory on-site parking. Whilst this is acknowledged to be below the minimum requirements set out with SPGN11 and AC18, Highways have raised no objection to the proposal and consider the proposal to generally comply with highways requirements.
- 7.32 With regards to servicing and manoeuvring space, each building and proposed internal road layout will provide sufficient turning areas, with a dedicated turning area in each service yard.
- 7.33 The proposals will take access from Manor Lane, and the highway network is capable of catering to the proposed traffic as a result of the proposal, which is considered to have a negligible impact.
- 7.34 Highways have advised that the whole of the proposed road layout does not conform to adoption standard but could comply with minor modification, and it is envisaged that these modifications could be covered by condition and negotiated through the S38 process.
- 7.35 A Section 106 obligation of £12,000 towards bus stop improvements is also required.
- 7.36 The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.
- 7.37 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.

- 7.38 While the Authority does not yet have a charging schedule in place, with CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.
- 7.39 I am advised that since the advent of the CIL Regulations that no more than 5 obligations have been entered into respect of the highways infrastructure contributions requested and am satisfied that on application of the tests set out above the contributions would satisfy these requirements.
- 7.40 It is therefore considered that, subject to the suggested conditions, S106 agreements and S278/S38 agreements outside of planning, the proposals accord with criterion iii) of EM1 and policies AC13, AC18 and SPGN11.
- 7.41 Impact on Nature Conservation sites, Landscape & Historic Features
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.
- 7.42 The site is approximately 2.7km from the River Dee and Bala Lake SAC. NRW consider 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. NRW have, however, requested that a condition is included to require the submitted external lighting to considered foraging and dispersal of nocturnal protected species (bats and other).
- 7.43 It is noted that an area of riparian woodland is present to the southern boundary of the site, however the trees within the application boundary that edge the brook are not proposed to be affected by the works to create the proposed SUDs basin and the development platforms do not affect this area of the site. The proposed SUDs will act as a buffer between the built development and woodland.

- 7.44 With regards to landscape impact, the majority of habitat features will be retained and subsequently enhanced. The loss of Grade 2 agricultural land has already been considered acceptable as part of the site's continued allocation as an employment site, and therefore it is considered that the proposals accord with criterion iv) of Policy EM1 and Policy STR7.
- 7.45 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 subsequently suggested a condition requiring the submission of a foul water drainage scheme.
- 7.46 Other Matters
It is noted that objectors have raised concerns regarding highways, namely HGV movements, the submitted Framework Travel Plan, cycle routes, increased traffic and speeding hazards.
- 7.47 It is accepted that the swept path of an HGV turning left out of the site will cross the centreline of the road however this is not an unusual occurrence. Busses, refuse trucks and large articulated vehicles (similar in the nature of that assessed within the planning document), are likely to cross the centreline of a road when exiting the majority of junctions on the county road network. The road in this location is relatively straight, with good visibility and is subject to a 30mph speed restriction, the layout of the proposed junction arrangement is also subject to an independent Road Safety Audit. The safe operation of the proposed junction is not considered to be a particular issue.
- 7.48 The proposed development will add traffic to the highway network however the increased level is not considered to be significant in comparison to generation rates of other development in the area. Whilst it is acknowledged that traffic flows through Hawarden village can cause concern, there is nothing related to the anticipated traffic movements of this development that would single it out from other developments. It would be unusual to restrict the movement of vehicles by the introduction of planning control but if considered necessary, however if required a condition requiring the submission and approval of delivery management plan could be attached to any permission. This could restrict HGV movements related to the development site to access/egress to/from junction 36/36A of the A55.
- 7.49 Regarding cycle access and the impact on existing cyclists and in particular that impact caused by vehicles accessing from the A494 via Sandycroft, it would be unusual to use planning conditions to restrict vehicular routing but it is possible if required. Due to the limited cumulative impact of the proposed development the provision of additional traffic management measures or off-site highway

improvements is not commensurate with the scale of these development proposals.

- 7.50 The Council's Streetscene Department have recently reviewed the adequacy of Active Travel provision in the area and are in the process of implementing significant improvements in relation to the Sandycroft/Saltney/Broughton corridors. The design, delivery and purchase of land necessary to deliver the schemes has been commenced with the hope of completion within five years. The application site backs onto one of the proposed routes and this has been identified in the submitted Transport Assessment with a commitment within the Travel Plan to provide a future link from the application site.
- 7.51 It is pertinent to note that Highways have raised no objection to the application in respect of the above elements. It is therefore considered that the proposals are acceptable in this regard.
- 7.52 Concerns regarding the impact on current badger populations have also been raised, however, neither the submitted Preliminary Ecological Assessment, nor the Council's ecologist have highlighted the presence of badger in this area.

8.00 CONCLUSION

- 8.01 The application proposes the 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 and associated infrastructure and platform bases for additional units to form an expansion to Hawarden Business Park.
- 8.02 It is considered that the submitted details are acceptable and I therefore recommend that planning permission be granted as set out in paragraph 2.01 of this report.

9.00 Other Considerations

- 9.01 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.
- 9.02 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.

- 9.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 9.04 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: David Glyn Jones

Telephone: david.glyn.jones@flintshire.gov.uk

Email: 01352 703281