

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **20<sup>TH</sup> JUNE 2018**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF BUILDING TO ACCOMMODATE WORKSHOPS AND STORAGE, CONSTRUCTION OF EXTERNAL STORAGE AREAS AND STAFF CAR PARKING AT GLOBE WAY, BUCKLEY.**

**APPLICATION NUMBER:** **057726**

**APPLICANT:** **LESTER FABRICATIONS & CLADDING CO. LTD.**

**SITE:** **GLOBE WAY, BUCKLEY.**

**APPLICATION VALID DATE:** **3<sup>RD</sup> NOVEMBER 2017**

**LOCAL MEMBERS:** **COUNCILLOR M.J. PEERS**  
**COUNCILLOR D. HUTCHINSON**

**TOWN/COMMUNITY COUNCIL:** **BUCKLEY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST GIVEN BACKGROUND OF PLANNING HISTORY AND PUBLIC INTEREST INTO THE PROVISION OF A COMMUNITY CAR PARK AS PART OF THE PROPOSED DEVELOPMENT.**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

- 1.01 This is a full application for the proposed erection of a new industrial building with associated storage areas and staff car parking on land at Globe Way, Buckley.
- 1.02 For Members information there is a relevant planning history to this location which is referred to in paragraph 5.00 of this report.

1.03 Whilst it is acknowledged that permission has previously been obtained for the erection of a new industrial building at this location, the proposed changes to the previously permitted scheme, involving an increase in floorspace and changes to the design, cannot be treated as a non-material amendment and therefore is the subject of this current planning application.

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

- 2.01
1. Time limit on commencement.
  2. In accordance with approved plans.
  3. Details of materials to be submitted and approved.
  4. Access to provide a visibility splay of 2.4 m x 43 m in both directions.
  5. Facilities to be provided for loading/unloading and parking/turning of vehicles.
  6. Positive means to prevent surface water run-off onto highway to be provided.
  7. Land contamination report to be submitted/with remediation where necessary.
  8. Landscaping scheme to be submitted and approved.
  9. Implementation of landscaping scheme.
  10. Scheme for integrated drainage of site to be submitted and approved.
  11. Scheme for Reasonable Avoidance Measures (RAM) to be submitted/approved.

**3.00 CONSULTATIONS**

3.01 Local Members

Councillor M.J. Peers

Councillor D. Hutchinson

Requests site visit and planning committee determination.  
Preliminary views express objections in that:-

- A community car park previously agreed as part of applications 046463 and 049138 has been excluded from this current application.
- Objects to the supporting statement submitted by the applicant which considers that the car park at Mount Pleasant Road is no longer required.
- Application site encroaches onto an area previously set aside for ecological mitigation.
- Height/elevated position of building appears overpowering.

## Buckley Town Council

Recommend refusal on the following grounds:-

1. In 2009 Flintshire County Council applied to itself for outline planning permission for the site. As part of the approval for the outline planning permission, the provision of a community car park off Mount Pleasant Road was required. The Design & Access Statement stated that the car park would make a significant contribution to the health and safety issues on Mount Pleasant Road and would alleviate the problems of any increase in traffic as a result of the development.
2. In 2012, a full application as made for the site by the current applicant and was approved with the provision of a community car park.
3. The current application is for a larger building but with no car park. This cannot be acceptable.
4. The current application indicates an encroachment on to designated mitigation land.
5. The current application is for a three storey building which will have an overbearing aspect on its surroundings.

## Head of Assets and Transportation

No objection subject to the road from which access to the site is derived being offered for adoption. In addition, recommends that any permission be subject to the imposition of conditions in respect of visibility splays, parking/turning and surface water run-off.

## Head of Public Protection

No objection in principle. The area around the site has an extensive industrial history, therefore it is recommended that a contamination land investigation is undertaken, to be secured by condition.

## The Coal Authority

No objection.

## Welsh Water/Dwr Cymru

Request the imposition of a condition to ensure the submission of a satisfactory drainage scheme for the proposed development.

## Natural Resources Wales

The application site is located adjacent to the Deeside and Buckley Newt Special Area of Conservation (SAC). No objection, as the proposed development will not have a direct impact on protected species, although a current Great Crested Newt Licence that has previously been issued will need to be updated if permission is granted.

#### Council Ecologist

Advises that there is an existing Great Crested Newt licence in place until 2019 following previous permissions for development being obtained. Should permission for this current application be granted the licence will be updated in line with the permission and with regards to supervision of ground works. Also request the imposition of a condition to ensure copies of the licence and Method Statement are provided to the Local Planning Authority.

#### **4.00 PUBLICITY**

- 4.01 Press Notice, Site Notice, Neighbour Notification  
No responses received.

#### **5.00 SITE HISTORY**

- 5.01 046463  
Outline – 3,300 sq. m. of (B1, B2, B8) employment development on 1.8 hectares with a further 2.4 hectares as Ecological mitigation and additional car parking off Mount Pleasant Road – Permitted 1<sup>st</sup> February 2010.

#### 049138

Erection of a building for the use as offices, workshop and storage including external storage and car parking facilities together with the construction of a car park for 20 No. vehicles – Permitted 2<sup>nd</sup> March 2012.

#### **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
Policy STR1- New Development.  
Policy STR3 – Employment.  
Policy STR7 - Natural Environment.  
Policy GEN1 - General Development Considerations.  
Policy D2 - Location and Layout.  
Policy TWH1 - Development Affecting Trees and Woodlands.  
Policy TWH2 - Protection of Hedgerows.  
Policy WB1 - Species Protection.  
Policy WB2 Sites of International Importance.  
Policy WB3 - Statutory Sites of National Importance.  
Policy WB6 - Enhancement of Nature Conservation Interest.  
Policy AC2 - Pedestrian Provision and Public Rights of Way.  
Policy AC13 - Access and Traffic Impact.  
Policy AC18 - Parking Provision and New Development.  
Policy EM1 - General Employment Land Allocations.  
Policy EM3 - Development Zones and Principal Employment Areas.  
Policy EM6 - Protection of Employment Land.

Additional Guidance

Planning Policy Wales (PPW)

Technical Advice Note 5 – Nature Conservation & Planning

Technical Advice Note 12 – Design

Technical Advice Note 18 – Transport.

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This full application which has been submitted by Lester Fabrications & Cladding Co. Ltd proposes the erection of a new industrial building with associated storage areas and staff car parking on land at Spencer Industrial Estate, Globe Way, Buckley.

7.02 The application site amounts to approximately 0.2 hectares in area. It is situated on the eastern edge of the settlement of Buckley and is bounded to the east by the existing Spencer Industrial Estate, to the north by the existing Household Waste & Recycling site, to the west by Etna Country Park and south by Mount Pleasant Road.

7.03 The site currently comprises three small horse grazed paddocks and two larger fields with a moderately sized pond in the south-east corner of the site. Access to the site within Spencer Industrial Estate is obtained from Globe Way.

7.04 The application site is located within the settlement boundary of Buckley and is allocated for employment use (B1 Business, B2 Industrial and B8 warehousing) within the Flintshire Unitary Development Plan by virtue of Policy EM1 (3).

7.05 Background

There is a planning history to this location which is referred to in paragraph 5.00 above.

7.06 In summary, outline planning permission for the erection of industrial units on the site was obtained by Flintshire County Council under 046463 in February 2010. In addition, full planning permission was obtained for an industrial building on the site in March 2012. Both applications included proposals to provide a 20 No. space car park off Mount Pleasant Road.

7.07 Proposed Development

The plans submitted as part of this application propose the erection of a contemporary style industrial unit. A workshop/storage area is proposed within a single storey wing, with the office area proposed within a 3 storey element incorporating in part, a mono pitch roof, projecting box at second floor and large expanses of glazing.

7.08 The proposed building measures approximately 90 m x 20 m with the 3 storey element being some 12 m in height. It is proposed to be

constructed having composite cladding external walls and roof.

7.09 Main Planning Issues

It is considered that the main planning issues to be taken into account in the determination of this application are:-

- a) Principle of development
- b) Acceptability of development from a highway perspective.
- c) Scale/form/design.
- d) Impact on ecology.

7.10 Principle of Development

The application site is within a Principal Employment Area and is allocated for general employment by virtue of Policy EM1(3). In addition, the site has previously had the benefit of both outline and full planning permission for the erection of an industrial unit, so the principle of development is well established.

7.11 Acceptability of Development from a Highway Perspective

It is acknowledged that whilst previous applications at this location for employment development were accompanied by proposals for the provision of a community car park at Mount Pleasant Road, this does not form part of this current planning application.

7.12 The initial outline application for employment development was submitted by Flintshire County Council (as then landowners) with the offer being made at that time, to provide the car park at Mount Pleasant Road as part of application 046463 permitted in 2010. The subsequent application under 049138 in 2012 also provided a car park. However on both these occasions there was no planning policy requirement for the car park to be provided. The car park was voluntarily offered as part of those proposals.

7.13 Consultation on the current application has been undertaken with the Highway Development Control Manager who raises no objection on highway safety grounds to the development proposal without the provision of the car park.

7.14 The Council have sold the site to the applicant without any requirement that the owner should provide a car-park. Consequently, the Council would look to try and provide a car park in the future. This matter should not prevent the determination of this application having regard to the consultation response from the Highway Development Control Manager. The applicant is in full ownership of the site and there is no basis in adopted planning policy which can require the owner to provide a public car park.

7.15 Scale/Form/Design

Whilst recognising that the proposed industrial building is larger and

more contemporary in its design, compared to that the subject to previous application (049138) it is located within an existing employment area where there are a range of buildings of differing scale/form/design. It is considered that this building, whilst in part higher than existing buildings within Spencer Industrial Estate, would be sympathetic to and complement this existing character and can be supported.

7.16 Impact on Ecology

The application is not within, but adjacent to, the Deeside and Buckley Newt Special Area of Conservation (SAC) at its northern and western boundaries. It is recognised that there are numerous development pressures on the SAC as a whole in this locality which, in combination with the impact of the proposed development, need to be carefully addressed.

7.17 In determination of previous applications at this location the impact of development on the SAC was the subject of (a) the imposition of conditions to safeguard protected species and their habitats and (b) a licence issued by Natural Resources Wales to ensure there is no detriment to the favourable status of Great Crested Newts (GCN).

7.18 Having regard to the above, consultation on this application has been undertaken with the NRW and the Council's Ecologist with there being no objection to the current proposal on the scale proposed, subject to their being a requirement for the previously issued GCN licence to be updated and imposition of a condition requiring submission of the up to date copy of the NRW GCN Licence and Method Statement.

**8.00 CONCLUSION**

The principle of development on this site is considered acceptable given its allocation for employment development by virtue of UDP Policy EM1(3) and the previous background of planning history.

It is acknowledged that the current proposal does not include plans for a community car park off Mount Pleasant Road but this is not considered to be an essential requirement to facilitate development. There is no objection on highway grounds following consultation with the Highway Development Control Manager.

In addition, it is considered that the scale/form/design of the proposed building is acceptable and sympathetic to existing developments at Spencer Industrial Estate. Consultation the application has also been undertaken with National Resources Wales and the Council's Ecologist given the proximity of the site to the Deeside and Buckley Newt Site Special Area of Conservation. The need to ensure that there is adequate ecological mitigation proposed to secure the protection of species/habitat is a fundamental requirement of the application in accordance with the requirements of Technical Advice

Note 5 and there is no objection subject to the implementation of Reasonable Avoidance Measures. I therefore recommend that permission be granted subject to conditions.

#### 8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

#### **LIST OF BACKGROUND DOCUMENTS**

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

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