

FLINTSHIRE COUNTY COUNCIL

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

DATE: **7TH NOVEMBER 2012**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **EXTENSION TO EXISTING RETAIL UNIT, CREATION OF CAR PARKING, LANDSCAPING AND ANCILLARY FACILITIES AT CO-OPERATIVE STORE, PRECINCT WAY, BUCKLEY.**

APPLICATION NUMBER: **049304**

APPLICANT: **THE CO-OPERATIVE GROUP**

SITE: **CO-OPERATIVE STORE, PRECINCT WAY, BUCKLEY.**

APPLICATION VALID DATE: **28TH DECEMBER 2011**

LOCAL MEMBERS: **COUNCILLOR R. JONES**
COUNCILLOR A. WOOLLEY

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

REASON FOR COMMITTEE: **RECOMMENDATION INVOLVES A SECTION 106 AGREEMENT FOR MONIES WHICH ARE NOT PROVIDED FOR VIA POWES DELEGATED TO THE HEAD OF PLANNING**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This full application seeks approval for an extension to the existing shopping store to create additional retail and warehouse floor space, together with the creation of new vehicular parking facilities.

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/Unilateral Undertaking to provide the following:-

a.Ensure the payment of a contribution of £200,000 to the Council for use in facilitating the implementation of public realm enhancements upon Precinct Way. Such sum to be paid to the Council upon commencement of the development.

1. Time limit on commencement.
2. In accord with approved plans.
3. Samples and/or precise details of all external finish and surface materials and colours to be submitted and approved.
4. BREEAM "Interim Certificate" to be submitted before work commences.
5. BREEAM "Final Certificate" to be submitted before houses occupied.
6. Scheme for 10% reduction of carbon outputs.
7. No development to commenced until a scheme for the comprehensive drainage of foul, surface and land waters approved.
8. No site clearance or tree/hedgerow works during bird nesting season or unless agreed with LPA
9. Scheme for hours of deliveries to be agreed.
10. Construction traffic management and routing scheme to be agreed. To include facility for wheel wash and measures to keep road free from mud arising from development site.
11. Full details of all proposed boundary treatments.
12. Submission and agreement of scheme for provision of public art to be submitted and agreed prior to first use of the proposed development. Scheme to include provisions for implementation of scheme.
13. Scheme for dual use of car park to be submitted and agreed prior to first use.
14. Scheme for gated entrance to car park to prevent use during times of store closure.
15. No works commencement until all highway and access works are agreed.
16. Access shall be formed before any other site works and in accordance with agreed scheme.
17. Parking, turning, loading and unloading facilities to be provided as per approved details prior to first use of development.
18. Scheme to prevent surface water run off from site onto highway.
19. Scheme of landscaping to be submitted and agreed.
20. Implementation of landscaping.
21. Closure of temporary store access.

3.00 CONSULTATIONS

3.01 Local Members

Councillor R. Jones

No adverse comments. Welcomes the proposals.

Councillor A. Woolley

No objection to a delegated determination. Wishes to ensure that no 'rat-run' between the site and surrounding areas is created. Welcomes proposals for new boundary treatments. Wishes car park use to be managed such that potential for adverse amenity impacts is minimised. Wishes to see delivery hours managed.

Buckley Town Council

No objection. Comments upon need for scheme to integrate with Buckley Master Plan.

Head of Assets and Transportation

No objection , subject to the imposition of conditions.

Head of Public Protection

No adverse comments.

Environment Agency Wales

No adverse comments.

Airbus

No adverse comments.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site notice and neighbour notification letters.

At the time of writing, 3No. third party letters have been received in response to the publicity exercise. These raise the following observations and objections;

1. Boundary treatments need to protect amenity and prevent scope for short cuts across car park.
2. Loss of green space
3. Amenity impacts arising from increased activity.
4. Highlights potential for historic tunnel to cross the area of the car park.

5.00 SITE HISTORY

5.01 **4/0/15487**

Erection of a supermarket and car park
Approved 24.2.1987

4/0/16652

Signage

Approved 5.4.1988

035606

Trolley bays and fence

Approved 24.7.2003

036098

Illuminated shop sign

Approved 7.10.2003

036208

Replacement of roof top plant.

Approved 16.4.2003

036592

Replacement of roof top plant.

Approved 5.1.2004

043510

Installation of an ATM

Approved 14.8.2007

049201

Installation of an ATM.

Approved 21.10.2011

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- Policy STR1 - New Development
- Policy STR5 - Shopping Centres & Commercial Development
- Policy GEN1 - General Requirements for Development
- Policy D1 - Design Quality, Location and Layout
- Policy D2 - Design
- Policy D3 - Landscaping
- Policy AC1 - Facilities for the Disabled
- Policy AC2 - Pedestrian Provision & Public Rights of Way
- Policy AC3 - Cycling Provision
- Policy AC13 - Access and Traffic Impact
- Policy AC18 - Parking Provision & New Development
- Policy S1 - Commercial Allocations
- Policy S3 - Integrating New Commercial Development
- Policy S6 - Large Shopping Developments

The site is undesignated land within the UDP which sits partly within Buckley Town Centre boundary and partly outside of the same. The store and the proposed extension is located within the Town Centre whilst the proposed car park is outside of the boundary.

I consider that the proposals would comply with the above policies.

7.00 PLANNING APPRAISAL

Site Description

- 7.01 The site comprises a 1.37 hectare area of land within the settlement of Buckley. The site is basically rectangular in shape, save for a projecting nib to the north edge of the site. The site occupies a parcel of land set somewhat lower than land to the north, west and east which is somewhat more elevated. The land to the south is comparable to that of the site. The site is bounded to the east by existing residential areas with this boundary formed by a variety of residential cartilage fences and an informal landscaped strip. The land to the south is presently vacant with further residential dwellings further to the south of that. The western boundary of the site is formed by Precinct Way. The northern edge of the site bounds, variously with Brunswick road, the Fire Station and the listed building, The Tivloi.
- 7.02 The site comprises the exiting foodstore, with its current car park to the frontage area to the west of the store. The land to the east is presently an area of vacant scrub land.
- 7.03 Vehicular access is derived from an existing access to the south of the food store with customer traffic accessing the car park to the front of the store and deliveries via a further access to the south of the site.

The Proposed Development

- 7.04 The proposal involves the provision of an extension to the store along its western edge, in the area of the current car park. Also involved is some external remodelling of the exterior of the existing food store building to provide access during the course of development works. The proposal seeks permission to provide a new area of car parking to the east of the store, with a new extension to the existing vehicular access off Precinct Way. The proposal amounts to an increase in floor area of 1274 square metres which increases the sales floor area from 924 square metres t 1757 square metres.

Main Planning Issues

- 7.05 It is considered that the main planning issues can be summarised as;
- a. Principle of development having regard to the planning policies and other material considerations,
 - b. Design.
 - c. Highways and access.
 - d. Amenity impacts
 - e. S.106 requirements.

Principle of Development

- 7.06 The site is located within the settlement boundary of Buckley and, as

discussed in Section 6 above, is located in a position which straddles the boundary of the Town Centre. The positioning of the existing store and the proposed extension are such that the proposals would comply fully with applicable national and local planning policies. The car park is out with the town centre and therefore, this element, in facilitating the overall development would represent a departure from the applicable retail policies. However, in assessing the proposals, regard must also be had to the provisions of the Buckley Masterplan. It is clear from discussions with both Policy and Economic Regeneration colleagues that the proposed layout and arrangement of the scheme represents the appropriate response to the aim of the Masterplan in this location.

7.07 Furthermore, I am satisfied that the provisions made via this application towards the Public Realm Enhancements intended for Precinct Way would, together with amendments secured to the design of the scheme, ensure that potential non-conformity with Policy S3 is adequately mitigated in such a fashion as is acceptable.

7.08 Therefore, the proposed development of this site is acceptable in principle.

Design

7.09 The scheme provides for an additional sales and warehouse area, coupled with a reconfiguration of the existing store. There has been significant negotiation and amendment of the scheme to satisfy the design requirements of the Local Planning Authority. The design amendments have succeeded in securing points of visual interest at the northern and southern extremes of the building through the introduction of some verticality to the scheme. This ensures that the building acts as a gateway marker to the town centre upon both northern and southern approaches.

7.10 The original building is a somewhat bland example of functional architecture. The proposed extensions has afforded an opportunity to seek to enhance the composition of this building through the introduction of focal interests, varied roof planes and the breaking up of existing long facades. Furthermore, negotiation has established an opportunity to incorporate some public art into the scheme. Early discussions in this respect have established the potential for a wall mounted piece of art upon one of the elevations to the southern 'tower' feature. I see an opportunity to incorporate some community involvement in this process and therefore seek to address the issue via planning condition requiring the submission and implementation of an appropriate scheme.

7.11 The whole approach to the design amendment has been underpinned by a desire to see the proposal accord with the aims of the Buckley Masterplan. To this end, the desire to create a frontage onto Precinct Way has been essential and therefore the need to ensure that the

access to the store relates to this area is crucial. Whilst it is clear that during initial construction the store is to be accessed via a temporary access point to the east of the existing building. However, this access is proposed to cease in use when the extension is brought into use as the extensions provides the new entrance feature at the northwest corner with Precinct Way. I propose to condition the cessation of the use of the temporary access.

Highways and Access

- 7.12 The proposals do not propose any alterations to the junction between the access to the site and its junction with Precinct Way. Therefore, the issues for consideration by the Head of Assets and Transportation relate to the levels of car parking provided and the degree to which the proposals are sustainable in transport terms.
- 7.13 The scheme proposes an increase in the levels of parking provided from 90 spaces 210 spaces. This has been examined, and whilst the level of provision would amount to an over provision, this fact must be considered in the context of the vision for the area set out in the Buckley Masterplan. It is clear in this document that redevelopment of existing car parking areas to the west of Precinct Way is envisaged in the longer term. Therefore the proposed levels would serve a dual purpose of not simply providing parking facilities to serve the Co-op, but also to afford a level of dual use parking by shoppers wishing to also access the town centre. In this respect, the car parking provisions address the area of raised in respect of conformity with the requirements of Policy S3. This dual use afforded via the over provision provides the opportunity for linked trips to the town centre which is an intrinsic component of ensuring that the retail proposal is sustainable in the context of viability and vitality of the town centre. Furthermore, it serves to satisfy the need to demonstrate that, whilst formal Retail Impact Assessment is not required, 'retail impact' has been assessed.
- 7.14 This, when considered together with the proposals for the site to integrate closely with the existing public transport facilities at Precinct Way, satisfies the need to ensure that the proposal would be sustainable in transport terms. Not only does the proposal provide opportunity for linked trips to the town centre for private vehicle users but also, with its close physical relationship to existing bus stops, improves access and relationships to the public transport system.
- 7.15 Accordingly, no objection is raised upon highway grounds.

Amenity Impacts

- 7.16 Concern has been raised in relation to the impacts upon the amenities of existing nearby residents which may arise from the proposed creation of the car park to the rear of these properties. In addition, concern has been raised that opportunity should be prevented, so far as is practicable, access from the north so as to ensure that the car park

is not seen as a short cut from Brunswick Road to Jubilee Road.

- 7.17 The scheme indicates that the boundaries to the car park areas are proposed are significant and of 1.8 metres in height. To the north, it is proposed that a new 1.8 metre brick wall is proposed. Metal railings are also proposed along the southern edge of the car park. I propose to condition the precise details of all boundaries to be agreed and erected prior to the first use of the extended premises. This will ensure that no natural desire line is easily achievable across this area. In addition, I consider the conditioning of the precise details affords an appropriate opportunity to ensure that the finish relates well to the listed building beyond.
- 7.18 Concerns have also been expressed in respect of the potential for the car park to be used outside of trading hours as a congregation point for vehicle associated antisocial behaviour. It is proposed to address these concerns by requiring the access to the car park to be gated and locked when the store is not trading. This requirement will similarly be addressed by condition. This proposal is easily facilitated without detriment to operational requirements for the store in terms of staff access and deliveries as these service areas are accessed via a separate point of access, with no internal connection to the car park.
- 7.19 I am therefore satisfied that the concerns raised can be satisfactorily addressed through the use of appropriate conditions.

Section 106 Negotiations

- 7.20 Supplemental to the aims of the Buckley Masterplan is a scheme for public realm enhancements works at certain key location within the town centre. One of these locations is Precinct Way. The scheme of works proposed for this area seeks to soften the impact of precinct way, calm traffic and improve public transport and pedestrian routes though and across the road. The scheme proposes to achieve these ends via the re-alignment of Precinct Way, introduction of new landscaping and street furniture.
- 7.21 In view of concerns to ensure that the development proposal fully integrates with the Town Centre, negotiations have been held with the applicant with a view to securing a contribution via S.106 towards the delivery of this scheme of improvements. Both parties have come to agreement that this scheme of works forms an intrinsic part of the sustainability credentials of the scheme in terms of links to the town centre and in access to public transport.
- 7.22 Therefore, it is proposed that a contribution of £200,000 towards the delivery of this scheme of public realm improvements will be paid upon commencement of development. Reasonably, the applicant has suggested that a period of time will be specified within the agreement to ensure that, should the monies not be spent, it may be reclaimed by the applicant.

8.00 CONCLUSION

8.01 The scheme provides for an extension to the existing retail unit and improvement to its retail offer and associated facilities. I am satisfied that those elements which would strictly amount to a departure are acceptably balanced with other material considerations which provide significant enhancements to the environment of the locality and its relationship with the town centre and therefore is 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.

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