

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24th July 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **CONSTRUCTION OF A NEW PETROL FILLING STATION AND ASSOCIATED ACCESS ROAD WITH ALTERATIONS TO EXISTING HIGHWAY AT W.M. MORRISON PLC, NEIGHBOURHOOD CENTRE, FFORDD LLANARTH, CONNAH'S QUAY**

APPLICATION NUMBER: **050616**

APPLICANT: **WM MORRISON PLC**

SITE: **NEIGHBOURHOOD CENTRE, FFORDD LLANARTH, CONNAHS QUAY**

APPLICATION VALID DATE: **18/3/2013**

LOCAL MEMBERS: **CLLR .P. SHOTTON**

TOWN/COMMUNITY COUNCIL: **CONNAH QUAY TOWN COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST DUE TO SCALE OF DEVELOPMENT AND IMPACT ON LOCALITY.**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 The proposed development is a full planning application for the construction of a new petrol filling station and associated access road on land adjacent to the Neighbourhood Centre, Ffordd Llanarth. The site is currently vacant and overgrown with vegetation. The site is surrounded by the existing shopping centre and residential properties. The issues for consideration are the principle of development/planning policy context, impacts on visual/residential amenities, highways and drainage.

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

- 2.01
1. Five year commencement
 2. Carried out in accordance with submitted details
 3. No land drainage into the public sewerage system
 4. No surface water to the public sewerage system unless otherwise agreed
 5. Foul and surface waters to be drained separately from site
 6. Submission & approval of a comprehensive/integrated drainage scheme for the site
 7. No buildings to be brought into use earlier than April 2014 unless upgrading works to wastewater treatment works has been completed beforehand
 8. Submission for approval further intrusive site investigation works and where necessary any remedial/mitigation works as regards previous mine workings on the site
 9. Hours of opening restricted to 06:00 to 22:30 Monday-Saturday and 08:00 to 22:00 Sundays/Bank Holidays
 10. External materials submitted for approval beforehand
 11. Implementation of submitted landscaping and to include reference to tree management
 12. Submission/approval of details for a root protection area to trees on boundaries
 13. Submission for approval of positive means of surface water run off onto public highway
 14. Submission and approval of full construction details for access including road markings on access/egress

3.00 CONSULTATIONS

3.01 Local Member :

Cllr P. Shotton

Requests a committee site visit due to the impact on the locality

Connah's Quay Town Council

Objects on the following grounds:

- access/egress for all vehicles will become even more difficult with the potential for road traffic accidents.
- access/egress will be problematic for petrol tankers and large service vehicles.
- entering/leaving the site will be almost impossible due to its poor junctions and the inadequacy of the mini-roundabout at the top of the access road.
- just one access road with one additional double exit from the petrol station is inadequate.
- there are local concerns about pollution, smell and public protection issues on nearby dwellings.
- the UDP designated this land for low cost housing rather than sui generis. How and where was this change decided and

designated.

Head of Assets and Transportation

No objections subject to conditions.

Environment Directorate (Rights of Way)

No observations.

Head of Public Protection

No adverse comments, however suggests restriction on hours of opening to those indicated on the planning application.

Welsh Water/Dwr Cymru

Request inclusion of conditions relating to land, surface water and foul drainage of the site and timing of connection of sewerage drain.

Natural Resources Wales (NRW)

Awaiting final response which shall be reported to planning committee as late observations

The Coal Authority

Coal Mining Risk Assessment Report demonstrates the site is or can be made safe and stable and would offer no objection. Recommends submission for approval further intrusive site investigation works and where necessary any remedial/mitigation works as regards previous mine workings on the site.

SP Energy Networks

Note to applicant regarding plant/apparatus in locality.

Health & Safety Executive

HSE does not advise on safety grounds against the granting of planning permission in this case.

4.00 PUBLICITY

4.01 The application has been advertised via press/site notice and neighbour letters. 21 letters/emails have been received including a petition signed by 97 people. The objections can be summarised as follows,

Impacts on residential Amenities

- Will be located within a densely populated area and will lead to petrol fumes, more car pollution, traffic and noise and be detrimental to health due to escape of fumes from pumps, fumes from cars visiting and a chance of higher risk of cancer due to escape of carcinogenic fumes and affect the air quality of people living directly adjacent to the site who suffer from asthma.

- Lighting of the site especially illuminated signs will be detrimental to adjacent residential amenity.
- Construction works will be detrimental to adjacent properties via noise dust and odour.
- The kiosk shop will lead to increased litter problems in locality.
- Is too close to residential properties which it backs directly onto.
- There could be water pollution from the car wash which will also be noisy and therefore detrimental to adjacent residential amenity.
- Times of the opening hours will create noise and disturbance for residential properties including delivery vehicles
- Concerned the road level and general built development within the site will allow for drivers to view into rear gardens/houses of adjacent properties causing loss of privacy.
- Various studies indicate that on health grounds petrol stations should be located at a minimum distance of 50 metres from housing – which is not the case with this proposal.
- Will attract anti social activity at night.

Highway Objections

- Questions the validity of the submitted Transport Statement and the level of traffic using Ffordd Llanarth which already causes chaos, is of the opinion that the proposal will exacerbate existing traffic problems and will lead to accidents.
- Will attract traffic from a much wider area than indicated by the applicant's Transport Statement.
- Questions level of staff car parking allocated to be provided on the site.
- Will pose a danger to the wheel chair bound or children going to school in the locality due to the proposed access points and volume of traffic generated onto a minor "b" road.

Other Issues

- Questions the need for the site to be risk assessed and access for emergency vehicles should there be an emergency.

- Proposal is clearly contrary to the development plan which allocates the site for residential use and contrary to Planning Policy Wales.
- Questions the safety of building on a site which has been subject to mine workings and consequent affects on ground stability/subsidence and drainage in area.
- Questions the health and safety implications of oil base chemicals stored on the site such as LPG.
- Concerned that the design and landscaping will not be finished to the required standard.
- Questions who will maintain the existing trees on the site.
- Would be detrimental to wildlife in the area and destroy the natural habitat of the birds, mammals and insects that live on the site – the site should be retained as a green space.
- Questions the need for a petrol station when there is already others nearby.
- Questions level of neighbour consultation.

In addition there was one letter of support and another letter was received raising no objections but requests that the hedgerow to site boundary be retained to aid screening of the development and in the interests of protecting wildlife.

5.00 SITE HISTORY

- 5.01 Planning permission ref. 046309 for the construction of a sub-station including associated access and landscaping, granted 28th July 2009.

The adjacent site has been subject to a number of applications relating to the redevelopment of the Neighbourhood Centre at Ffordd Llanarth.

050646 – Display of illuminated advertisements for a petrol filling station – undetermined.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
 Policy STR1 New Development
 Policy STR5 Shopping Centres and Commercial Development
 Policy GEN1 General Requirements for Development
 Policy D1 Design Quality, Location and Layout
 Policy D2 Design

Policy D3 Landscaping
Policy D4 Outdoor Lighting
Policy D5 Crime Prevention
Policy AC2 Pedestrian Provision and Public Rights of Way
Policy AC3 Cycling Provision
Policy AC4 Travel Plans for Major Traffic Generating Developments
Policy S3 Integrating New Commercial Development
Policy S4 Small Scale Shopping within Settlements
Policy S9 Non-Retail Commercial Development

Planning Policy Wales

7.00 PLANNING APPRAISAL

7.01 The Proposed Development and Principle of development

The proposed development is a full planning application for the construction of a new petrol filling station and associated access road on land adjacent to the Neighbourhood Centre, Ffordd Llanarth. The site is currently vacant and overgrown with vegetation. The site is surrounded by the existing shopping centre and residential properties.

In summary, the application is further detailed as follows:

- The petrol filling station kiosk will have a shop
- Canopy over the pumps
- Car wash
- Retention of existing trees to boundaries and augmentation with shrub planting and mixed native species planting
- Access to be via two points – an existing mini roundabout that serves the neighbourhood centre and from a new access onto the access road that serves the neighbourhood centre off Ffordd Llanarth

7.02 Principle of Development

The application is allocated in the UDP for housing and would be likely to accommodate approx. 15 dwellings.

The Planning and Compulsory Purchase Act 2004 states at S. 38(6) that, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The proposed development has been advertised as a departure to the adopted UDP.

However, it is considered that other material considerations need to be taken into account and these are detailed as follows:

- The published housing land supply study undertaken in 2011 demonstrates that the Flintshire Housing Land Supply is in

excess of 5 years. Given the site would add only 15 dwellings, it is not significant in terms of housing supply.

- In regards to general housing provision in Connah's Quay it is considered to benefit from a good supply of residential sites with Ffordd Newydd being built out now providing 139 units, the allocated sites of Highmere Drive and Fair Oaks Drive providing 162 & 87 units respectively, and other unallocated sites such as Wepre Park all adding to a locally high provision of future units
- The development would already be adjacent to a newly built substation which due to the substation's size/location is considered to further reduce the attractiveness of the site for residential use
- The site has a coal mining legacy which will need to be addressed by whoever develops the site and which is likely to reduce its attractiveness for development as a residential site
- The proposed use would be complementary to the existing neighbourhood centre and it would be difficult to resist the loss of residential use to a commercial use

It would be challenging for the Council to seek to retain the site for housing development bearing in mind the relative insignificance of the site in housing supply terms either locally within Connah's Quay or Flintshire as a County, and given the particular constraints presented by the site which make it less attractive to residential development e.g. configuration of adjacent sub-station, levels on the site and the coal mining legacy. Given all of the above other material considerations and the complementary nature of the commercial development to the existing neighbourhood centre it would be difficult to resist the proposal on planning policy grounds. The proposed development is therefore considered to be acceptable in principle and matters of detail are assessed below.

7.03 Impacts on Residential/Visual Amenities

The proposed development directly abuts residential properties on two boundaries to the north and west (properties accessed off Highvale), whilst other residential properties are found to the east at properties on the other side of Ffordd Llanarth.

The site currently benefits from mature landscaping in the form of trees/hedging to the north and west. The applicant intends to retain existing trees to boundaries and augment these boundaries with additional shrub planting and mixed native species planting. The applicant's arboriculture report concludes that the trees, which include oaks, would benefit from works to improve their medium to long term condition i.e. tree management and pruning, and that the trees be

protected during construction with root protection areas – both of these issues can be addressed via a suitability worded planning condition.

The existing and proposed landscaping would aid the screening of the site from the adjacent properties. Part of the new landscaping would be sited on a mound which would further enhance its effectiveness as a visual screen. The residential properties at Highvale are set distances approximately ranging from 37-53 metres from the canopy over the pumps with the actual kiosk/shop building beyond that. The proposed car wash element of the scheme would be sited furthest away from properties on Highvale. The other residential properties adjacent to the site located to the eastern side of Ffordd Llanarth are located approximately 28 metres from the canopy structure and 36 metres from the kiosk/shop and 38 metres away from the car wash. As regards impacts on residential amenity it should be noted that the Council's Public Protection Manager has not objected to the proposed development either from a noise/disturbance perspective or in regards to the licensing arrangements for the siting of a petrol station. The Public Protection Manager has recommended a condition in regards to the hours of opening which would restrict the opening times to that stated at condition 9 at paragraph 2.01 of this report – this condition would assist in safeguarding the amenity of neighbouring residential properties during the night/early morning. It is considered that in conjunction with the existing/proposed landscaping, the separation distances from residential properties would be such that the amenity of those properties would be safeguarded.

Also bearing in mind the fact that the adjacent site is a neighbourhood centre which already generates a degree of commercial activity and proposed landscaping would visually enhance the site, it is considered the proposed development would be complementary in nature and would not look out of character in design terms.

7.04 Highways

Access to the site would be via two points – an existing mini roundabout that serves the neighbourhood centre and from a new access onto the access road that serves the neighbourhood centre off Ffordd Llanarth. Access from the mini roundabout will be entry only, whilst egress is proposed by way of a left and right turn exit only onto the existing link road located to the west of its junction with Ffordd Llanarth. A Transport Statement was submitted with the application with the assessment based upon robust assumptions including that all primary development trips to the petrol filling station are new to the highway network. The Transport Statement concludes the following,

- All junctions including the proposed site access arrangements will operate well within capacity
- Traffic likely to be generated can be satisfactorily accommodated without causing inconvenience to other road

users

- It is reasonable to assume that the majority of vehicle trips to the petrol filling station will be either linked trips i.e. vehicles visiting the Morrisons store or pass-by trips i.e. vehicles passing the site and therefore already using the local highway network
- The site is highly accessible and sustainable with excellent public transport and pedestrian links to encourage sustainable travel patterns by staff

Whilst objections have been raised locally regarding the highway impacts of the proposed development, the Head of Highways and Transportation having assessed the submitted Transport Statement has not raised any objections on highway grounds subject to appropriately worded conditions.

7.05 Drainage

As regards drainage matters, Welsh Water has not objected to the proposed development subject to appropriately worded conditions. Natural Resources Wales are in discussion with the applicants over the design of the fuel tanks and their final observations will be reported to Committee.

7.06 Coal Mining

The application site falls within an area where there are coal mining features and hazards which need to be considered in relation to the determination of the application. The applicant has obtained up to date coal mining information for the site and has used this information to inform the Coal Mining Risk Assessment Report. The Coal Authority concurred with the recommendations of the submitted report that coal mining legacy potentially poses a risk to the proposed development and that an appropriate mitigation strategy should be developed following further intrusive site investigation works (if necessary) undertaken prior to the development in order to establish the exact situation regarding coal mining issues. The Coal Authority recommend a condition requiring these details and any mitigation prior to commencement of development and in the event that site investigations confirm the need for remedial works to that the areas of shallow mining workings this should also be considered. The Coal Authority considered the content and conclusions of the submitted Coal Mining Risk Assessment Report demonstrate the site is or can be made safe and stable and would offer no objection.

7.07 Health and Safety Concerns

The applicant has confirmed the following,

- That the fuel tank would be sub-surface and double skinned, built in accordance with a recognised BS EN code and independently certified for structural integrity.
- Once the tanks are installed they are permanently monitored

by means of a leak detection system which monitors the space between the inner and outer tanks.

- All the site surface water will drain to a petrol interceptor.
- All equipment will be fitted with vapour recovery systems as required by the Petrol Vapour Recovery Directive which regulates the storage of petrol and dispensing of petrol in order to reduce emissions of volatile organic compounds by recovering the vapour.

8.01 **CONCLUSION**

In planning policy terms the proposed development is contrary to the adopted development plan, and s. 38(6) of the 2004 Act states determinations should be made in accordance with the plan unless material considerations indicate otherwise. However, the other material considerations highlighted detailed above would lead me to conclude that the proposed development is considered acceptable in principle and detail subject to the conditions stated at paragraph 2 of this report.

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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