

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 12 NOVEMBER 2014**

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

**SUBJECT:** **FULL APPLICATION FOR A FOODSTORE (USE CLASS A1) AND 5 THREE BEDROOM AFFORDABLE HOUSES (USE CLASS C3) WITH ASSOCIATED CAR PARKING, ACCESS, SERVICING AND LANDSCAPING AT BROUGHTON SHOPPING PARK, BROUGHTON**

**APPLICATION NUMBER:** **052369**

**APPLICANT:** **ALDI STORES LTD**

**SITE:** **BROUGHTON SHOPPING PARK, BROUGHTON.**

**APPLICATION VALID DATE:** **27.07.14**

**LOCAL MEMBERS:** **COUNCILLOR W MULLIN**

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

**REASON FOR COMMITTEE:** **SIZE OF DEVELOPMENT AND LOCAL MEMBER REQUEST**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 It is proposed to erect a Class A1 food store with associated access and car parking and 5 affordable three bedroom dwellings on the former compound site, Broughton Retail Park.
- 1.02 The site was allocated under policy HSG1 (19) for residential development for 54 dwellings by the UDP Inspector. The Council has prepared and adopted a Development Brief for the site to support this residential allocation (SPGN 25). The Council does not have a 5 year

land supply (4.1 years as of April 2013) and therefore does not consider the site can be released for a non-residential use.

## **2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

- 2.01 1. The proposed development for a retail food store would lead to the loss of part of an allocated housing site (HSG1 19). The Council does not have a 5 year land supply (4.1 years as of April 2013) and therefore the site is required for housing development. The proposed development is therefore contrary to policy HSG1, STR4 and TAN1 and Supplementary Planning Guidance Note 25: Development Brief for Housing at the Compound Site, West of Broughton Retail Park.

## **3.00 CONSULTATIONS**

### **3.01 Local Member Councillor W Mullin**

Requests Committee determination. Preliminary views are concerns that the land has been zoned for housing by Welsh Government under the UDP. Requests a Committee Site visit due to concerns regarding access to new build housing included in the application.

### **Broughton Community Council**

No objection.

### **Highways Development Control Manager**

No objections subject to conditions covering;

- A scheme for the construction of the access, provision of pedestrian guardrail and amendments to the footway, verge and street lighting
- Access shall be kerbed and completed to carriageway base course layer prior to the commencement of any other site works
- Access to have a visibility splay of 2.4m x 43m with no obstruction to visibility in excess of 0.6m above the nearside channel
- Visibility splays at the point of access to be kept free from obstructions for the duration of construction works
- Positive means to prevent surface water run-off onto the highway
- Final Travel Plan
- Construction Traffic Management Plan

### **Public Protection Manager**

No adverse comments to make subject to conditions relating to;

### **Class A1 Food store**

- 2.5 m high acoustic barrier to be constructed around the

- external condenser units
- A 10dB (A) inline silencer should be incorporated into the store's extraction system
- All deliveries to the store must be undertaken in a fully enclosed delivery bay
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#### Class C3 Residential properties

The noise report submitted with the application indicates that the site is within Noise Exposure Category C under Technical Advice Note 11: Noise. It is therefore recommended that the following conditions are attached;

- Acoustic fencing is installed at locations identified in the consultants noise report. i.e. A 2m high acoustic barrier along the rear of the properties along the boundary with the proposed food store to a minimum density of 10kg/m<sup>2</sup>.
- Enhanced double glazing should be installed to any bedroom or living room to the specification of 10mm float glass, 12mm cavity, 4mm float glass, with acoustic trickle ventilators (rated at Dn, ew + Ctr 42dB), to provide a sound reduction of a minimum of 29 dB (A)

#### Welsh Water/Dwr Cymru

No response received at time of writing.

#### Natural Resources Wales

In response to the Updated Flood Consequences Assessment (FCA) from Peter Masons via Jones Lang LaSalle Limited (received on 5 September).

The FCA states that the existing ground levels on the site are 'in the region 7.90 - 8.20m AOD'; therefore they will be above the expected in-channel River Dee tidal flood level in the 0.5% AEP tidal event in 2111 of 7.35m AOD (upper band). The site is not within the present-day NRW modelled fluvial flood zones associated with Broughton Brook. On this basis, the FCA comments that the site meets the acceptability criteria of A1.15 of TAN 15.

Given the fluvial Broughton Brook experienced in the area of the proposed residential part of this development in 1964, it would be prudent for your Authority to liaise with emergency planners to ensure you are satisfied that access and egress arrangements during a flood event are adequate.

We welcome the intention as indicated in the updated FCA to investigate ground conditions on site in order to use the most appropriate sustainable drainage system. Dwr Cymru Welsh Water has now confirmed that the culvert beneath the site is not a public sewer. Therefore, should disposal of surface water by means of infiltration be shown not to be feasible, surface water runoff from the site may be discharged to the culvert at greenfield rates. We therefore

have no objection to the proposed development, subject to the following conditions:

- a scheme for the provision and implementation of a surface water regulation system. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable Drainage Systems (SuDS) and the results of the assessment provided to the Local Planning Authority.
- a scheme for the management of overland flow from surcharging of the site's surface water drainage system has been submitted to and approved in writing by the Local Planning Authority.
- The owners/occupiers of the new development are advised to sign up to receive Flood Warnings, which are available for this location.

The presence of a protected species is listed as a material planning consideration under the provisions of Planning Guidance Wales and Technical Advice Note (TAN) Number 5

In this case, great crested newts are considered most likely to be affected by the proposal. The great crested newt could potentially be present within the environs of the boundary of the application site. This species is protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

The application site has been subject to ecological survey and assessment. We consider this assessment to be satisfactory for the purposes of informing the public decision making process.

In our view, the proposal itself is not likely be detrimental to the maintenance of the favourable conservation status of any populations of European or British protected species that may be present at the application site, provided any scheme includes measures identified above. However, the cumulative impact of developments at Broughton is considered to have caused a decline in the overall population.

The population of great crested newts at Broughton is considered to have been subject to deterioration and consequent decline since the 1990's. As a consequence an indicative strategy has been prepared to facilitate restoration of this population of amphibians. We would therefore welcome the inclusion of planning conditions or obligations that facilitate the implementation of objectives identified within the provisions of this strategy.

#### Airbus

No aerodrome safeguarding objection to the development. A crane operating permit may be required.

Community Safety Officer

Comments on community safety issues with the layout and design.

Education Officer

A contribution of £12,257 is required towards Primary School provision at Broughton Primary School. No Secondary School contribution would be required.

**4.00 PUBLICITY**

**4.01 Press Notice, Site Notice, Neighbour Notification – Advertised as Departure**

30 standard objection letters on the grounds of;

- Should not be commercial development on this site just because Aldi own the land
- Support for an Aldi store does not mean this is the right location
- Aldi would be better located in the retail park not in a residential area
- Traffic impacts will be worse now residential development is under way
- Should be retained for housing
- If allowed would set a precedent for adjacent land to have a commercial use rather than housing as allocated
- Noise impacts associated with the store and impact on residential amenity would be significant, especially due to proposed opening hours and delivery times with the noise of reversing beepers along with air conditioning units and extractor fans
- Impact of lighting on residential properties
- Landscape barrier is deciduous so effect of barrier is reduced in winter
- Supermarket rubbish would introduce vermin into the area

7 individual objections on the following grounds of;

- The proposed service yard is directly adjacent to the adjacent residential site and would represent a major threat to the amenity of the future occupiers of the residential development. Suitable conditions should be applied if granted to protect the amenity of future occupiers.
- The store is not needed, there are 4 supermarkets within a 4 mile radius
- The houses are a ploy to get the application through
- Infrastructure in the area will not cope, particularly the roads
- The site is not brownfield it was a temporary construction compound
- Potential health hazards to local residents
- Loading bay is very close to our property were our children sleep which will disturb them

- Noise from the general store activity
- Were told land was 'green barrier' when purchased house
- Concerns about impacts on great crested newts of all the development in the Broughton area
- Site should be all residential

227 Letters of support on the grounds of;

- Currently drive to other Aldi's in Mold, Chester, Flint and Wrexham to do shopping, will reduce the need to travel
- Will create more retail choice and competition to Tesco
- Will create jobs
- Affordable housing is needed
- The unused land should be utilised in this way, brownfield site
- There is a need for a discount food store in the area
- Within walking distance of a large population, particularly those who don't have a car
- Would be located with other retail uses for linked trips
- Support affordable housing
- More housing in the area needs more choice of supermarkets
- Don't need more housing that the site is allocated for – too much pressure on services

## **5.00 SITE HISTORY**

### **5.01 Application site**

048764 Construction of a 1473sqm supermarket and 464.5sqm non-food retail unit. Refused. 20.02.12

046818 Erection of a 1347 m2 supermarket and a 467.2 m2 non-food retail unit (Gross internal area) together with car parking and associated works. Withdrawn 17.12.09

046564 Outline - erection of a budget hotel of up to 70 rooms and a separate restaurant/public house together with car parking, landscaping and other associated works. Withdrawn 11.01.10

### **Adjacent site**

049488 Outline - Erection of up to 24no. dwellings together with means of access from shopping park link road and removal of part of existing earth bund and change of use of land to domestic gardens. Approved 13.05.13

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

STR1 - New Development

STR4 – Housing

STR5 – Shopping Centres and Commercial Development

STR10 - Resources  
GEN1 - General Requirements for Development  
GEN2 - Development Inside Settlement Boundaries  
D1 - Design Quality, Location and Layout  
D2 - Design  
D3 - Landscaping  
WB1 - Species Protection  
AC13 - Access and Traffic Impact  
AC18 - Parking Provision and New Development  
S6 – Large Shopping Development  
HSG1 – New Housing Development Proposals  
HSG8 – Density of Development  
HSG10 – Affordable Housing within Settlement Boundaries  
SR5 – Outdoor Playing Space and New Residential Development  
EWP3 – Renewable energy in New Development  
EWP14 – Derelict and Contaminated Lane  
EWP17 – Flood Risk

Supplementary Planning Guidance Note 25: Development Brief for Housing at the Compound Site, West of Broughton Retail Park.

Planning Policy Wales Edition 7 (July 2014)  
Technical Advice Note 1: Joint Housing Land Availability Studies  
Technical Advice Note 4: Retailing and Town Centres  
Technical Advice Note 11: Noise  
Technical Advice Note 12: Design  
Technical Advice Note 15: Development and Flood Risk

The proposal is not in accordance with all of the above development plan policies as set out in the reasons for refusal.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full planning application for the erection of a Class A1 food store with associated parking and access and 5 affordable dwellings on the 'compound site', Broughton Shopping Park, Broughton.

### **7.02 Site description**

The site is located within the settlement boundary of Broughton to the east of the settlement. To the west of the site is existing residential development and to the east is Broughton Retail Park which is outside the defined settlement boundary. The site is bounded by the Broughton shopping park link road to the east and to part of the northern boundary is Chester Road and further residential development. The Airbus factory is located to the north east of the site. The current application relates to the northern part of the site.

7.03 The site is known as the 'compound site' as it was formally used as the construction compound for the retail park in the 1990's. More

recently the southern part of the site was used as a sales office for the nearby residential development. The southern part of the site' has outline planning permission 049488 for 24 houses approved on 13.05.13.

- 7.04 The site as a whole has a significant landscape bund around its western and southern boundaries following its use as a construction compound, although the interior of the site is hardstanding.
- 7.05 Proposed development  
It is proposed to erect a 1,805m<sup>2</sup> Class A1 food store with a net sales area of 1,254m<sup>2</sup> to be operated by Aldi stores and car park with 101 car parking spaces and 10 bicycle spaces. The site would be accessed from a new access point in the south east corner of the site from the retail park link road. The proposed food store is a contemporary design with a mixture of brick and render external treatment. Trading hours would be Monday to Saturday 08.00 – 23.00 and Sundays for a six hour period between 10.00 – 18.00.
- 7.06 An Aldi store typically receives three to four articulated vehicle deliveries a day, and a milk delivery along with two waste collections per week. The proposed enclosed service bay is at the southern end of the store and would be enclosed to minimise any potential noise from deliveries. Proposed delivery times are Mondays to Saturdays 06.00 hours to 23.00 hours and Sundays 07.00 to 23.00 hours. The proposed store would create up to 40 jobs both full and part time.
- 7.07 In addition it is proposed to erect 5 dwellings in the north eastern corner of the site fronting Chester Road continuing the residential development along this frontage. The 5 three bedroom two storey houses comprise a terrace of three properties and a pair of semi-detached properties to be operated by a Registered Social Landlord. The dwellings are proposed to be a combination of red brick and render with a tiled roof. The proposed houses would be accessed through the car park for the food store with their own dedicated parking area of 9 spaces secured by a gated access which also provides pedestrian access to the rear of the dwellings. The proposed dwellings have private rear gardens which would be separated from the proposed retail development by a 2.4m close boarded fence to the rear and sides of the dwellings. A lower 1.1 m close boarded fence is proposed along the boundary with Chester Road with the provision of pedestrian access to the front of the dwellings. A bin store is also provided.
- 7.08 The existing landscape buffer along the western and north western boundary would be enhanced with additional trees and shrubs. Some existing trees along the northern boundary will be removed to allow for the proposed five new houses. New landscaping will be planted along the southern boundary to screen the food store from the southern part of the compound site with residential permission along with a 2.4metre



high close boarded fence. Provision will be made for an access to the adjacent site on the southern boundary if required in the future.

- 7.09 The application was accompanied by ;
- Planning Statement including Retail Assessment by JLL
  - Design and Access Statement
  - Ecological Assessment by TEP
  - Flood Consequences Assessment
  - Noise Impact Assessment by Spectrum Acoustic Assessments
  - Transport Assessment by Cameron Rose
  - Interim Travel Plan by Cameron Rose by Peter Mason associates
  - Statement of Community Involvement

7.10 Following the consultation period the applicants have submitted a letter dated 17<sup>th</sup> October 2014 commenting on the issues raised in the objection letters.

7.11 Principle of development  
Housing allocation

The site was allocated under policy HSG1 (19) for residential development for 54 dwellings by the UDP Inspector. As part of the deposit draft UDP the Council had recommended the site remain as “open space” to provide a buffer between the existing residential development and the retail park. The Inspector saw no reason why the development of an appropriately designed housing development would conflict with this purpose. The Inspector stated “It could be designed to minimise visual and noise intrusion from this edge of the retail park and also provide an opportunity for landscaping.” The Inspector therefore recommended that the site be included as a residential allocation.

7.12 The site is the subject of a Development Brief ‘Housing at the Compound Site’ West of Broughton Retail Park, Broughton which was Adopted by the Council as Supplementary Planning Guidance on 27<sup>th</sup> March 2013. The objective of the Brief is to guide residential development of the land to ensure the scheme provides a high quality sustainable residential development with a high standard of landscaping which ensures a high level of amenity for residents.

7.13 Technical Advice Note 1 requires all Local Planning Authorities to undertake annual Joint Housing Land Availability Studies to assess the supply of housing land available. TAN1 requires local planning authorities to have a 5 year housing land supply. The five year land supply comprises sites with planning permission (outline or full) and sites allocated for housing in adopted development plans, categorised as prescribed in TAN 1. The April 2013 Flintshire County Council Joint Housing Land Availability Study shows 4.1 years of supply. The Council therefore does not have a 5 year land supply.

- 7.14 There was a recent Inspectors decision following the refusal of planning permission by Planning and Development Control Committee for the development of part of an allocated housing site HSG1(8) for a commercial use at Neighbourhood Centre, Ffordd Llanarth, Connah's Quay. At the time the Inspector was considering the findings of the 2012 JHLA which showed the land supply at 4.5 years. The Inspector notes that;
- 7.15 *"Whilst the appeal site is identified as a housing site in the JHLAS it is assessed as being within Category 3i indicating that due to major physical or other constraints development is unlikely within five years. At the time of the study therefore and despite its allocations the appeal site did not contribute to the 5 year housing land supply as calculated in the JHLAS. The appeal site is allocated of 20 units but a more realistic number is likely to be in the region of 15.*
- 7.16 *Since the required five year supply is deficient, notwithstanding the site's limitations its potential to meet some of the County's housing need is a compelling reasons to adhere to its allocated purpose and not permit a use other than residential. With regards to the small scale of the provision I note that several of the sites allocated under Policy HSG1 are anticipated to provide a similarly modest number of dwellings. Even so in preparing the UDP the Council clearly considered that such sites would have a useful role in contribution to the overall housing requirement, as did the UDP Inspector."*
- 7.17 The Inspector therefore concluded that the site is required for housing development. It is therefore considered that the same principle should therefore be applied in this instance. The site is comparable in size and could provide approximately 20 – 25 dwellings. The applicant's consultants argue the site is not available for development in the next 5 years, and therefore would be in the 3i Category in terms of the JHLAS as Aldi own the land which was purchased over the market value for residential and therefore a housing development will not come forward. Notwithstanding this the site is free from physical constraints in all other respects.
- 7.18 Since this Inspector's decision in March 2014; the lack of a 5 year land supply has led to a number of applications for greenfield sites outside settlement boundaries for varying scales of residential development which the Council is now having to deal with namely;
- Land at Greenhill Avenue/Springdale 41 units - refused by Committee in May 2014 – subject to an appeal.
  - Land at Tan y Felin, Greenfield – 184 units - under consideration.
  - Land East of Croes Atti, Flint – 120 – under consideration.
- 7.19 The Council's position given the land supply situation and the Ffordd Llanarth Inspector's decision is that this housing allocation should be protected from other forms of development and it would be perverse

for officers to recommend otherwise. The acceptableness of the food store in this location is therefore not a pertinent issue given the Council's stance as set out above, however a synopsis of the submitted information with reference to the relevant policy is set out below.

7.20 Retail

The previous planning application on this site for retail development was refused as a Retail Impact Assessment was not submitted with the application therefore the impact of the development had not been fully considered in accordance with national guidance and UDP policy. The current planning application was accompanied by a Planning Statement which included a Retail Assessment.

7.21 Planning Policy Wales (Edition 7) (PPW) post-dates the Flintshire UDP. With respect to retail development it reinforces the role of centres as the best location for most retail/leisure activities as advocated by the UDP policy S6.

7.22 Paragraph 10.3.3 of PPW states "Where need is a consideration, precedence should be accorded to establishing quantitative need. It will be for the decision-maker to determine and justify the weight to be given to any qualitative assessment, as outlined in paragraph 10.2.10. Regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms, though they may be material considerations in making a decision on a planning application."

7.23 Paragraph 10.3.4 states "Developers should be able to demonstrate that all potential town centre options, and then edge of centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered for key town centre uses. The onus of proof that more central sites have been thoroughly assessed rests with the developer and, in the case of appeal Welsh Ministers will need to be convinced that this assessment has been undertaken. This approach also requires flexibility and realism from local planning authorities, developers and retailers."

7.24 Paragraph 10.3.8 goes on to state "Out-of-centre food supermarkets should not be allowed if their provision is likely to lead to the loss of general food retailing in the centre of smaller towns."

7.25 This guidance is reiterated in Technical Advice Note 4 'Retailing and Town Centres' which sets out the policy framework for considering development proposals for new retail developments. This guidance from earlier editions of PPW and TAN4 is reflected in the UDP policy S6 which advocates a sequential approach to retail development in existing centres first and the requirement for a needs assessment in out of town centre locations. Although the latest version of PPW post-dates the UDP there have been no significant changes to retail policy

and therefore Policy S6 'Large Shopping Developments' of the UDP is still relevant.

7.26 Policy S6 'Large Shopping Developments' states that "*Proposals for large shopping development in excess of 500m<sup>2</sup> should be located within town, district and/or local centres. Where it is satisfactorily demonstrated that the proposal cannot be accommodated within an existing centre and/or is out of scale with the shopping centre, the proposed development should be located on a sequentially preferable edge of centre site. Out of centre developments will only be considered appropriate where there is no sequentially preferable, suitable and available site nearer to a town, district or local centre. In all cases such developments will be permitted only where:*"... development proposals meet the policy criteria. The findings of the submitted Retail Assessment are reported below against the UDP policy criteria.

- a) it is not directly, or when considered together with any other committed schemes, detrimental to the viability, attractiveness and viability of existing town, district, or local centres within the development's catchment area;

The submitted Retail Assessment considers the impact of the development on the catchment area which has been defined to be Zone 8 of the Flintshire Retail Capacity Study 2011. Zone 8 comprises the settlements of Broughton and Saltney. There are no town centres within the catchment area of Zone 8 only the District Centre in Saltney 3.1km to the north east and the Local Centre in Broughton Hall Road, 2km to the west. An assessment of the health of these centres is included in the Retail Assessment, along with an assessment of the health of Mold, Buckley and Queensferry.

- b) the site is within the settlement boundary

The site is within the settlement boundary of Broughton.

- c) the site has been evaluated and found to be appropriate in accordance with the sequential approach where first preference should be given to town centre locations followed by edge of centre sites then by district and local centres and only then out of centre locations;

The sequential approach has been considered within the Retail Assessment with regard to sites in the district centre in Saltney and the Local Centre in Broughton Hall Road. Broughton Shopping Park is not considered within the sequential assessment as it is an out of centre site. No other sites in Broughton are allocated for retail development. Land to the north of Broughton Retail Park is allocated for non-retail commercial use and has been considered by Aldi, however no agreement could be reached with the landowner. In any event this land is also outside of the defined settlement boundary and

is therefore not sequentially preferable to this site.

- d) the site is located conveniently to minimise users dependence on private transport and to maximise the potential for journeys by foot, cycle and public transport;

The site is situated within the settlement boundary of Broughton and in close proximity to the Retail Park, Airbus and Chester Road which are both served by a number of bus services connecting Chester, Buckley and Mold to other smaller settlements. Cycle stands are proposed to facilitate this mode of transport. There is also the potential for linked trips to the Retail Park and a large employer at Airbus.

- e) the development would not, through the generation of traffic, have a significant adverse impact upon the local highway network or the quality of the local environment; and

The application was accompanied by a Transport Assessment by Cameron Rose. Highways have no objection to the proposed development in terms of the traffic impacts of the proposed development.

- f) Outside defined town centres a need for the proposal has been demonstrated

The Retail Assessment assesses the capacity for additional convenience floor space within the defined catchment. Within the catchment the existing food store provision is Tesco Extra at Broughton, Co-op at Broughton Hall Road local centre, Morrison's in Saltney District Centre and two local Co-op Stores in Ewloe. There are no convenience commitments within the defined catchment area. A commitment to expand the retail floor space in Broughton Shopping Park through a Tesco extension and Marks and Spencer's store expired in 2013. It is stated that £16.93m of expenditure is leaking out of the catchment area. The Flintshire Retail Capacity Study 2011 found that of its Zone 8 population 39.5% visited the out of centre Tesco at Broughton Park and 18% to the Asda, Queensferry in Zone 7 with 13.7% to Morrison's in Saltney (although at the time of the study had only recently opened). The proposed store has an estimated turnover of £4.69m. The Assessment states that although a given catchment is not expected to retain 100% of its expenditure, it is realistic to assume that the catchment area assessed here can improve its retention rate above 65%. It is also argued by the applicants that there is a need for a 'discount' retailer in the catchment with the nearest ones in Chester and Queensferry.

#### 7.27 Residential development

While 5 dwellings are proposed on the site these are considered to be ancillary to the main use of the site as a food store. It is proposed to site 5 dwellings on the corner of the site along the Chester Road

frontage which would continue along from the existing dwellings. These are proposed to be affordable although no details of how they would be made affordable are provided other than they would be run by a Registered Social Landlord who has shown an interest in the site.

7.28 The dwellings each have their own private amenity space and parking however the main point of access to the dwellings is through the Aldi car park. The dwellings front the busy Chester road and a scheme of enhance double glazing is recommended. These factors would therefore have an impact on the residential amenity of the occupiers of the proposed dwellings. The proposed dwellings are in a terrace of three and a pair of semi-detached. They are proposed to be of brick and render with a tiled roof. The dwellings would not be out of keeping with the existing properties in the area.

7.29 Noise

The proposed enclosed service bay is located to the south of the store adjacent to the boundary of the adjacent site which has planning permission for residential development. The owners of the adjacent site have raised concerns about the location of the service yard and the relationship with their site and have requested that appropriate conditions are imposed if permission is granted to protect the amenity of further occupiers. The permission for residential development on the adjacent site is in outline therefore the siting of the proposed dwellings is not finalised, however the Council would not wish to grant permission for a use on this site which would prejudice the use of the adjacent site for its allocated purpose. The Development Brief for the site was produced to prevent this situation occurring.

7.30 A Noise Assessment was submitted with the planning application following guidance in Technical Advice Note 11: Noise. This assesses the noise impacts on a new commercial development in this location. The main sources of noise from the proposed food store include continuous noise from mechanical services plant such as air condition and extraction fans and intermittent noise from deliveries to the store. Residents have also raised concerns about general noise from the activities of a food store in proximity to residential development due to the proposed opening hours.

7.31 The noise assessment compares predicted noise levels from both mechanical plant and deliveries with existing background noise levels in accordance with assessment methodology set out in TAN11: Noise. Background noise measurements were taken at residential receptor locations on 4 positions around the site namely; the proposed dwellings on Chester Road as part of this application; the permitted residential development on the adjacent part of the site; the rear of 24 Simonstone Road and the rear of the existing houses on Chester Road. The predicted noise from mechanical plant and deliveries are taken from a noise survey at an existing Aldi food store. The main current source of noise in the area is traffic noise which reduces at

night time, however plant from nearby commercial uses and the Airbus site become more audible during the night time. The dominant source of noise is still however road traffic noise.

- 7.32 In terms of predicted noise levels a standardised mechanical services plant package is adopted for all new Aldi food stores with externally located condenser units surrounded by an acoustic enclosure. These run continuously 24 hours a day. In addition the ventilation system would operate when staff are in the building. Deliveries typically last between 30 – 80 minutes depending on the amount of stock and stock is unloaded directly into the warehouse in an enclosed bay. Survey results show the noisiest aspects of deliveries are the arrival and departure of the vehicles.
- 7.33 In terms of the noise impacts arising from the new food store, predictions have indicated that with the proposed mitigation measures, the overall noise from services would meet noise limit objectives and consequentially have a low adverse impact. These mitigation measures take the form of surrounding the external equipment with a 2.5m high acoustic screen and incorporating a 10dB(A) in line silencer in the extraction system. In terms of deliveries, predictions indicated that with a fully enclosed delivery bay, noise from deliveries would meet noise limit objectives and have a low adverse impact.
- 7.34 The footprint of the store is approximately 26 metres from the boundary of the site with the adjacent existing residential properties on Simonstone Road to the west. There is an existing landscape buffer between the existing residential properties and the proposed store. It is proposed that this would be enhanced with new planting.
- 7.35 During both day and night time the proposed dwellings would be located in Noise Exposure Category C as defined by TAN 11 due to the ambient noise levels from road traffic noise. For sites in NEC TAN11 states that “Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are alternative quieter site available, conditions should be imposed to ensure a commensurate level of protect against noise.” The site is allocated for housing and this issue was considered as part of the Development Brief. A scheme of mitigation to reduce internal noise levels through sound insulation for the windows, walls and ventilation has therefore been put forward and to reduce noise levels in private amenity areas.
- 7.36 The Public Protection Manager has reviewed the submitted noise assessment and raises no objections to the siting of the food store subject to imposition of conditions for noise reduction measures as set out in the Noise Assessment. These take the form of requiring acoustic fencing around the condenser unit, a silencer on the extraction fan and ensuring all deliveries are in the enclosed delivery

bay. It is also recommended that conditions are imposed in relation to the proposed houses to ensure that they have appropriate double glazing due to their proximity to the road.

7.37 Highways

The application was accompanied by a Transport Assessment. Residents have raised concerns about the traffic impacts of the development. The application has been amended to remove land which was part of the highway. A 'Servicing Strategy' was submitted during the course of the application following comments from the highways development control manager. This information has been accepted and highways raise no objections to the application subject to a number of conditions.

7.38 Ecology

This site has been extensively surveyed in relation to respective applications in this area and an update to these previous assessments by TEP has been submitted with this application. The site comprises previously developed land that has been unmanaged for some time. The woodland around the perimeter has become more established and the verges have become vegetated but the site remains unchanged from previous reports and is predominately species poor grassland. The site does not support great crested newt habitat as there are no water bodies or watercourses. There is no connectivity between Broughton Country Park and Broughton Newt Reserve were records exist due to the road infrastructure.

7.39 The ecological report recommends conditions requiring the retention of the landscaping along the western boundary, tree planting along the southern boundary to offset the loss of the trees along the northern boundary for the proposed dwellings.

7.40 NRW consider the submitted ecological assessment to be satisfactory for the purposes of informing the public decision making process. NRW have however raised concerns about the decline in great crested newt population in the area since the 1990's following significant developments in the area and if permission be granted suggest the inclusion of conditions or obligations that facilitate the implementation of objectives identified within the provisions of the strategy in place to facilitate the restoration of this population of amphibians.

7.41 Flood Risk

The application was accompanied by a Flood Consequences Assessment undertaken by Peter Mason Associates. The Flood Risk Data provided confirms that the site is not at risk of pluvial or tidal flooding up to at least 1 in 1000 event. However, NRW's Flood Risk Data confirms that part of the site was affected by flooding in 1964 when the channel capacity of Broughton Brook was exceeded. As a consequence of this information the site is classified by NRW as



partially lying within Flood Zone C1 and partially within Zone A in the 1 in 1000 event.

7.42 The site is not within the present-day NRW modelled fluvial flood zones associated with Broughton Brook. On this basis, the FCA comments that the site meets the acceptability criteria of A1.15 of TAN 15. The issues in relation to flooding are mainly in relation to the 5 residential properties which are a more vulnerable use than retail development. NRW advise it would be prudent for the Local Planning Authority to liaise with emergency planners to ensure that we are satisfied that access and egress arrangements during a flood event are adequate and also recommend a condition relating to signing up to the Flood Warning System.

7.43 S106 contributions  
Open Space

In accordance with Planning Guidance Note No13 seeks a contribution of £733 per dwelling as a contribution to enhance play provision in the community.

7.44 Education

The development would be within the catchment of Broughton Primary School which has 455 children on role and a capacity of 455 with a surplus of 0%. The nearest High School is St. David's High School, Saltney which has 514 pupils on role with a capacity of 687, with a surplus of 25.18%. As the Primary School has less than 5% surplus places in line with SPG 23: Developer Contributions to Education a contribution of £12,257 is required.

**8.00 CONCLUSION**

8.01 The proposed development for a retail food store would lead to the loss of part of an allocated housing site (HSG1 19). The Council does not have a 5 year land supply (4.1 years as of April 2013) and therefore the site is required for housing development. The proposed development is therefore contrary to policy HSG1, STR4 and TAN1 and Supplementary Planning Guidance Note 25: Development Brief for Housing at the Compound Site, West of Broughton Retail Park.

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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