

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **WEDNESDAY, 17 DECEMBER 2014**

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

**SUBJECT:** **GENERAL MATTERS - 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**

**1.00 APPLICATION NUMBER**

1.01 052369

**2.00 APPLICANT**

2.01 ALDI STORES LTD

**3.00 SITE**

3.01 BROUGHTON SHOPPING PARK,  
BROUGHTON.

**4.00 APPLICATION VALID DATE**

4.01 04.07.14

**5.00 PURPOSE OF REPORT**

5.01 To seek a resolution from Members in respect of the Heads of Terms of the S106 agreement and the scope of the conditions to be applied.

**6.00 REPORT**

6.01 Members resolved to grant planning permission for a foodstore (Class A1) and 5 affordable dwellings, with associated car parking, access, servicing and landscaping. This decision was contrary to officer recommendation and therefore no conditions or heads of terms for a S106 agreement/unilateral undertaking were proposed.

6.02 A resolution from Members is therefore required in respect of the Heads of Terms of the S106 agreement and the scope of the conditions to be applied to the development.

6.03 S106/Unilateral undertaking

It is proposed that the S106 or Unilateral undertaking covers the following contributions and requirements in respect of the 5 affordable dwellings;

1. Contribution of £ 1,100 per dwelling in lieu of on-site open space provision for enhancements to open space provision in the locality
2. Contribution of £12,257 for capacity improvements to Broughton Primary School which has less than 5% surplus spaces
3. Clauses to ensure the dwellings are made affordable in perpetuity and are occupied in accordance with an approved allocations policy, to the immediate locality in the first instance

6.04 Conditions

1. Time commencement – 5 years
2. In accordance with plans
3. Materials – food store and dwellings
4. Foul, surface water and land drainage scheme
5. Construction Traffic Management Plan
6. A detailed scheme for the construction of the access, provision of pedestrian guardrail and amendments to the footway, verge and street lighting
7. Access shall be kerbed and completed to carriageway base course layer before any other site works
8. Access shall have a visibility splay of 2.4m x 43m in both directions measured along the nearside edge of the adjoining carriageway over land within the control of the Applicant and/or Highway Authority and within which there shall be no obstruction to visibility in excess of 0.6m above the nearside channel level of the adjoining highway.
9. Visibility splays free from obstruction during construction
10. Positive means to prevent the run-off of surface water from any part of the site onto the highway
11. Final Travel Plan
12. Opening Hours Monday to Saturday 08.00-20.00, Sundays 10.00 – 18.00 ( 6 hours)
13. Deliveries Mondays to Saturdays 07.00-21.00 hours with no deliveries on Sundays or Bank Holidays. All within the enclosed bay.
14. Removal of permitted development rights for extensions, alterations to the roof and buildings in the garden for the proposed dwellings
15. Scheme of public art on the site
16. No works within bird breeding season

17. Lighting scheme
18. Landscaping scheme including details of planting on bund on western boundary with existing residential properties, acoustic fencing around the store and landscaping to southern boundary of the site with consented housing site
19. Emergency Flood Response Plan
20. Make occupiers of the development aware of and sign up to flood warning service
21. Surface water regulation system – explore use of SuDS
22. Management of overland flow
23. Tree protection measures
24. 2.5 metre high Acoustic barrier around condenser units
25. Installation of a 10dB(A) in-line silencer on the store's extraction system
26. Installation of an enhanced scheme of double glazing on proposed dwellings
27. Invasive species
28. Reasonable Avoidance Measures Amphibians(RAM's)

6.05 Opening hours and deliveries

In terms of the conditions due to the issues raised by objectors it is considered appropriate to restrict the hours deliveries can be made and the opening times of the store. Due to the access to the proposed dwellings being through the Aldi car park it is not appropriate to restrict access by means of a gate or barrier to the car park outside opening hours. This can only therefore be done by a restriction on the operating hours and delivery times.

6.06 Within the application it is proposed that deliveries would take place between Mondays to Saturdays 06.00 - 23.00 and Sundays 07.00 – 23.00. In the interests of residential amenity it is considered that this should be limited to Mondays to Saturdays 07.00-21.00 hours with no deliveries on Sundays or Bank Holidays.

6.07 Within the application Aldi stated the store would trade to the public between Monday to Saturday 08.00 – 23.00 and Sundays 10.00 – 18.00 hours for a six hour period. It is considered that in the interest of residential amenity this should be limited to 08.00-20.00 Monday to Saturday and with the Sunday trading hours as proposed.

6.08 Landscaping

There is an existing landscape bund on the site from the use of the site as a construction compound. This has been formally unmanaged for some time and therefore requires a scheme of management and maintenance along with additional planting to fill in gaps. Insufficient detail in this regard is provided in the submitted landscaping plan so this would be requested in detail by condition. New planting and a fence is also proposed along the southern boundary of the site with the consented residential site. Further landscaping along Chester Road and within the site would also be provided.

6.09 Noise

The Noise Assessment undertaken by Spectrum Acoustic Consultants refers to the need for acoustic barriers around the proposed store to reduce the noise impacts from the stores condenser units and other mechanical equipment. Acoustic fencing is also required around the private amenity areas of the proposed houses as the dwellings are within a NEC Category C as set out in paragraph 7.35 of the Committee report. A scheme of enhanced double glazing is also required to these proposed dwellings. These matters are dealt with by Public Protection Manger in his response and would be conditioned accordingly. Given the noise climate of the area it is therefore considered necessary to remove permitted development rights to provide control over any extensions or alternations to the roof for additional living space.

6.10 Flood risk

As set out in paragraph 7.41 of the Committee report the site is partially within a C1 flood zone as a result of historical flooding. NRW advise that conditions in relation to access and egress routes and awareness of the Flood Warning service are therefore recommended.

6.11 Other matters

Other conditions are taken from responses from NRW and the Highways Development Control Manager. NRW in their initial response refer to the need for Reasonable Avoidance Measures in respect of amphibians. This has been noted and the relevant condition applied. They also refer to conditions relating to the implementation of objectives within a strategy to facilitate the restoration of amphibian population in this area. Given the results of the ecological surveys on this site set out in paragraphs 7.38- 7.40 of the committee report it is not considered reasonable to require this for this site.

6.12 No response has been received from Welsh Water, however standard drainage conditions have been applied with regard to foul drainage and surface water drainage is dealt with by the conditions suggested by NRW with regard to the use of SuDs were appropriate.

6.13 In line with the Council's policy for public buildings a scheme for public art on the site would be conditioned.

**7.00 RECOMMENDATIONS**

7.01 That permission be granted in accordance with the Heads of terms and conditions set out in paragraphs 6.03 and 6.04 above.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

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