

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **14 DECEMBER 2022**

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

SUBJECT: **CHANGE OF USE FROM MOTOR VEHICLE
SERVICE AND PARTS SALES TO CLASS A1
SANDWICH SHOP & BAKERY AND CLASS A3
(CAFE / RESTAURANT/ HOT FOOD TAKEAWAY)
ALONG WITH EXTERNAL WORKS TO
REFURBISH AND EXTEND THE EXISTING UNIT,
RECONFIGURED CAR PARK, EXTERNAL
SEATING, ACOUSTIC BARRIER AND
ASSOCIATED WORKS**

**APPLICATION
NUMBER:** **FUL/000498/22**

APPLICANT: **C/O AGENT, TJ MORRIS LIMITED**

**APPLICATION
VALID DATE:** **26 SEPTEMBER 2022**

LOCAL MEMBERS: **COUNCILLOR C BITHELL**

**TOWN/COMMUNITY
COUNCIL:** **MOLD TOWN COUNCIL**

**REASON FOR
COMMITTEE:** **MEMBER REQUEST**

SITE VISIT: **NOT REQUESTED**

1.00 SUMMARY

1.01 The application seeks consent for Change of use from motor vehicle service and parts sales to Class A1 sandwich shop & bakery and Class A3 (cafe / restaurant/ hot food takeaway) along with associated external works.

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

1. Time Limit on commencement
2. In accordance with approved plans
3. Adequate facilities shall be provided and retained within the retail park for the loading, unloading, parking and turning of vehicles.
4. Details of grease trap to be submitted and approved.
5. No surface water from any increase in the roof area of the building /or impermeable shall be allowed to drain directly or indirectly to the public sewerage system.
6. Details of any proposed flood defence controls and measures shall be prepared, submitted to and approved in writing by the Local Planning Authority.
7. A Scheme of external lighting shall be prepared, submitted to and approved in writing by the Local Planning Authority.
8. A suitable system for the extraction, filtration and ventilation of any process odours and fumes, should be installed in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority
9. Details of the proposed 3m high acoustic fence to the east of the site shall be submitted to and approved in writing by the Local Planning Authority.
10. The opening hours of the uses hereby approved shall be limited to 08:00 hours and 22:00 hours.

3.00 CONSULTATIONS

- 3.01 **Local Member – Councillor Chris Bithell** - Welcomes investment to the area but has concerns that the proposal would attract more trade, thus increasing traffic generation to the detriment of users of Chester Road. Concern is also raised as to the safety of the junction from Chester Road to the site. Request Committee determination.
- 3.02 **Town/Community Council** – Supports the re-use of the site however express concerns over increase in traffic generation and the safety of the junction. Parking provision does not appear to be adequate and the late night closure of one unit would lead to increase traffic near a residential area late at night and anti-social behaviour.
- 3.03 **Highways Development Control** – No objection in principle subject to the imposition of a condition (para. 2.03 above)
- 3.04 **Community and Business Protection** – The accompanying assessment indicates that the proposal will have a low adverse impact upon any nearby residential properties as long as certain remedial measures are implemented as per the report's recommendations. Recommends conditions relating to 3m acoustic fence and odour extraction. (paras 2.08 and 2.09.)

- 3.05 **Welsh Water/Dwr Cymru** – Request that if you are minded to grant Planning Consent for the above development that conditions and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets. (paras 2.04 and 2.05 above)
- 3.06 **Natural Resources Wales** – Based on the scale and nature of the proposal, do not object on flood risk grounds and welcome the proposed mitigation measures suggested in the accompanying Flood Consequences Assessment.
- 3.07 **Airbus** – No objection

4.00 PUBLICITY

- 4.01 36 Neighbour Notifications were sent to adjoining/nearby properties. A Site Notice was also displayed.

There has been one representation of support highlighting that the proposal would be a great asset to Mold.

Five objections have been received and they are summarised as follows:

1. Increase traffic generation
2. Safety of junction
3. Excess waste and litter
4. Noise pollution
5. Light pollution
6. Odour emissions
7. Opening hours
8. Anti-social behaviour
9. Risk to the viability of existing businesses within the Town Centre

5.00 SITE HISTORY

- 5.01 None of relevance

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan Policies

- GEN 1 General Requirements for Development
- GEN 2 Development Inside Settlement Boundaries
- STR 1 New Development
- D1 Design Quality, Location and Layout
- D2 Design

- D4 Outdoor Lighting
- D5 Crime Prevention
- S2 Shop-front Design
- S3 Integrating New Commercial Development
- S8 Hot Food Takeaways, Restaurants and Cafes
- AC1 Facilities for the Disabled
- AC2 Pedestrian Provision and Public Rights of Way
- AC3 Cycling Provision
- AC18 Parking Provision and New Development
- EWP12 Pollution
- EWP 13 Nuisance
- EWP 16 Water Resources
- EWP17 Flood Risk

6.02 Supplementary Planning Guidance

- SPGN No 11. Parking Standards
- SPGN No 12. Access For All

6.03 National Planning Policies:

- Planning Policy Wales – Edition 11 (Feb.2021)
- Technical Advice Note 11 – Noise
- Technical Advice Note 12 – Design
- Technical Advice Note 15 – Flood risk
- Future Wales: The National Plan 2040 (FWP 2040)

It is noted and acknowledged that the national planning framework as set out within Planning Policy Wales Edition 11 and Future Wales: The National Plan 2040 sets out the most up to date planning principles against which to consider development proposals. The Development Plan and associated supplementary planning guidance remain broadly consistent with these changes to legislation

7.00 PLANNING APPRAISAL

7.01 Site Description

The Site comprises an existing motor vehicle service / repair unit, off Chester Road, Mold. The existing unit extends to 347 square metres (gross internal area) and is located on a shared retail site, currently occupied by Checkpoint Service Centre. The Site currently has onsite parking provision for 15no. cars with a wider parking provision associated with the Home Bargains and Food Warehouse comprising a total of 218 spaces. The surrounding area is generally commercial in nature. The Site is bound to the northwest by existing retail uses, with nearby retailers including Iceland, Home Bargains and B&M. Mold Cricket Club and Mold Rugby Club sit directly northeast of the Site. The closest residential dwellings are located southeast of the

Site on the opposite side of Chester Road. Existing vehicular and pedestrian access to the Site is gained from Chester Road (A541). Pedestrian infrastructure within the surrounding area is sufficient with dedicated footpaths, street lighting and a formal crossing point located directly in front of the Site.

7.02 Proposal

Full planning permission is sought for the “Change of use from motor vehicle service and ‘parts’ sales to Class A1 sandwich shop and bakery and Class A3 (café / restaurant/ hot food takeaway) along with external works to refurbish and extend the existing unit, reconfigured car park, external seating, acoustic barrier and associated works.

7.03 It is proposed that the existing unit will be subdivided and extended to form two units (Unit A and Unit B). Unit A will comprise 198 square metres (gross internal area) and Unit B will extend to 194 square metres (gross internal area). The 2no. units, will collectively extend to 392 square metres (gross internal area). This represents an increase of 45 square metres over and above the existing building (347 square metres). The proposed extension would follow the same line and levels as the existing building. The appearance of the proposed units have strong brand identity, in keeping with the wider retail location. The current building on the site has a pitched roof. The proposal would see new cladding, windows, entrance, openings infilled to match existing brickwork, exits and doors. Provision for 13no. car parking spaces is to be provided, which will include dedicated disabled car parking bays. In addition, 4no. Sheffield stands are proposed to accommodate cycle parking spaces. Staff and customer access will remain as existing via a shared access point off Chester Road (A541). Level access is to be provided to the building, suitable for wheelchair users and ambulant disabled people. The new entrances to the units will have manually opening doors compliant with the Building Regulations. Serving / delivery access will be retained via the existing road network, along the A541 and using the retail access road. Dedicated refuse storage/recycling area will be located to the side elevation of each unit and collected along with allocated plant enclosure.

7.04 Considerations

The main issues in considering the application are:

- Principle of Development
- Impact upon Character and Appearance
- Highway safety
- Drainage and Flood risk
- Nuisance

Principle of Development

7.05 Policy STR1 of the Flintshire Unitary Development Plan {UDP} states that new development will be permitted where this is generally

located within existing settlement boundaries, allocations, development zones, principal employment areas and suitable brownfield sites and will only be permitted outside these areas where it is essential to have an open countryside location. Policy STR5, Shopping Centres and Commercial Development seeks to maintain and enhance the vitality, attractiveness and viability of existing town centres.

7.06 The site is located within the Town Centre Boundary of Mold and therefore the site selection complies with the above aims. The principle of development in this location is also supported by policy S3 Integrating New Commercial Development, in so far as the proposed development is within easy walking distance of existing commercial developments and other facilities; provides building entrances in locations which relate best to existing commercial developments, other facilities and pedestrian routes; and provides car parking to the rear of the development. It is also adjacent to a fairly recently redeveloped retail offer on the site of the former Kwik Save Supermarket site, which now comprises several retail units and operators.

7.07 The proposals bring about improved retail 'offer' within the wider site and Mold in general. PPW11 recognises the benefits of having a wide variety of uses in town centres. The site is accessible by a variety of means of transport. Turning to the Class A3 element of the proposal, the principle of such use is acceptable in accordance with policy S8 Hot Food Takeaways. The application demonstrates that the amenity of local residents would not be unduly harmed; that on-site provision will be made for the disposal of casual litter and wastes; and the use will not result in traffic hazards or disturbance arising from street parking. These matters are explored in further detail below.

7.08 It is considered that the proposal is of appropriate scale to the locality, representing a small increase in floor area to what is currently on site. The development would provide diversity to the retail area and enhance the shopping centre as a whole. The matter of residential living conditions is discussed further below.

7.09 Character and Appearance

The proposed extension is proportionate in scale and modest in form, reflecting that of the existing building. The finishes of the two units would be modern in appearance which would upgrade and enhance the aesthetics of the existing site, whilst contributing to the vibrancy of the retail area it is adjacent to. The design of the finished units is practical, of quality and are a sympathetic solution which will bring a positive and contemporary addition to the local community and beyond. The broad width of the A541 Chester Road offers a significant degree of separation from residential properties on the other side of Chester Street, and also demarcates a distinct change in land uses on the application side of the road, given the existing

retail development that this proposal will service, as well as the presence of the Rugby Club all weather pitch adjacent to the site, which is also flood lit. I am satisfied that the aims of Policies D1, Design Quality, Layout and Location and D2 - Design are met, subject to the successful approval of a subsequent advertisement scheme.

7.10 Highway Safety

Concern has been expressed by third parties via the consultation exercise over the potential increase in traffic generation a result of the proposal and to the adequacy of the junction from Chester Road onto the site in terms of safety.

7.11 The application is supported by a Transport Statement (TS) prepared by Rappor. The Statement assesses the Site and local highway network; Site Accessibility & Opportunities for Sustainable Travel; Trip Attraction & Traffic Impact Assessment and Parking Provision.

7.12 The TS confirms that the access to the site is considered safe and suitable to serve all users of the future development and there are no inherent / apparent local highways safety issues. In addition, the forecast trip attraction and net trip impact indicates an immaterial increase in new traffic movements, with no anticipated material impact on the local network. The report concludes the development proposal will not have a material impact upon safety or operation of the surrounding local highway network.

7.13 Highways Development Control raise no concerns over Highways Safety subject to the inclusion of adequate facilities within the retail park for the loading, unloading, parking and turning of vehicles. The imposition of a condition requesting the submission, approval and implementation of such a scheme is suggested (para 2.03). I have sought further clarification from the Highways Engineer on their position in respect of the increase in traffic generation and safety of the junction. It is confirmed that this is an existing road junction with an existing traffic generation. It has not been found or observed that there is any technical deficiency in the design of the junction. On this basis, the starting point for assessing the adequacy of the road junction is accident statistics which have been referenced in the submitted Transport Statement under paras 2.10 – 2.18.

7.14 Whilst the TS only considers 3 years of accidents, searching the same source (crash map) for all 23 years of the records held it is concluded that there is no evidence of a particular problem with the movement of vehicles through the junction. If there was, we would expect to see a greater number of accidents clustered around the junction.

7.15 Additionally, the TS, though the submission of Trip Rate Information Computer System (TRICS) data, demonstrates that the development

will **not** result in a significant increase in vehicles entering and leaving the highway network through the road junction serving the retail park. The statement indicates at table 5.2 that the proposed café / sandwich shop may be associated with a total of 87, 41, and 105 two-way trips during the typical weekday AM and PM peak periods, and Saturday peak period, respectively. The proposed restaurant/ takeaway may be associated with no trips during the typical AM peak period, and 40 and 68 two-way trips during the typical weekday PM peak period and Saturday peak period, respectively.

7.16 Therefore, it is concluded that there is no empirical evidence available to justify a recommendation of refusal.

7.17 It is considered that both the supporting Transport Statement, and comments of Highways Development Control demonstrate that the proposal would not cause detriment to the highway network owing to the approach roads to the site being of an adequate standard to accommodate the traffic likely to be generated by the development without compromising public safety, health and amenity and that safe vehicular access can be provided by the developer both to and from the main highway network. The proposal is therefore compliant with Policies AC 13 and AC18 of the Unitary Development Plan.

7.18 Drainage and Flood Risk

The site is located within a C1 Flood zone as designated within the Natural Resources Wales Development Advice Maps, indicating that the site is at risk of flooding in a storm event between a 1 in 100 and 1 in 1000 year return period, but is defended up to the 1 in 100 year event. The site is in proximity to the River Alyn, approximately 300m west and the area has undergone extensive flood repair schemes. Generally, new development should be directed to the A or B categories unless the Local Planning Authority can be satisfied that the tests set out in section 6 of TAN 15 are met, these being that:

i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,

ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,

iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,

iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the

criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

- 7.19 The Flood Consequences Assessment report which accompanies the application confirms that given the nature of the proposed development, it is classed as less vulnerable, and flooding of the property will not pose a significant risk to people as there are no permanent residents. Mitigation measures in the form of flood gates to doors and windows at ground floor are suggested given that it is impractical to raise the floor levels. NRW have expressed that they are satisfied with the proposed measures. In this regard, it is considered pertinent that an Emergency Plan be prepared, submitted and approved by the Local Planning Authority prior to the commencement of use. The plan should cover such provisions of flood prevention measures and evacuation plans and procedures in the event of a flood. Liaison can then take place with the Emergency Planning Department. It is my recommendation that this be added as a condition of any consent (para. 2.06).
- 7.20 It is concluded that the selected site satisfies the above tests, in that it is a formerly developed site which occupies a Town Centre location and is supported by the strategic aims of the Unitary Development Plan and the emerging Local Development Plan, and their objectives of supporting employment and sustainable communities. The level of risk arising from the nature of the uses can be deemed as less vulnerable and in combination with the proposed drainage strategy and flood mitigation controls, the application demonstrates compliance with tests set out in sections 6 and 7 of TAN 15 and satisfies policy EWP17 of the Unitary Development Plan.
- 7.21 With regards to foul water discharge, Dwr Cymru/Welsh Water advise that any existing drainage shall be utilised where possible to avoid the need to make any new connections to the public sewer. The application demonstrates that it is proposed to connect the foul drainage from the development into the existing foul drainage that serves the site. Surface Water runoff is also to be directed to an existing system. Owing to the small increase in footprint presented by the proposed extension to the unit, SAB approval is not required nor is there a requirement for implementation of SUD's. It is considered that the drainage proposals are satisfactory and compliant with Policy EWP 16 of the Unitary Development Plan.
- 7.22 Nuisance
Several representations received detail concerns over noise pollution resultant from the proposed uses of the site. A supporting Noise Assessment prepared by Tetra Tech accompanies the application. The Assessment states that operation noise levels are predicted to meet guideline noise intrusion criteria at nearby properties during the daytime and night-time period, with mitigation.

- 7.23 With mitigation, the results indicate a low risk of adverse impacts. A change in noise level assessment has also been undertaken inclusive of mitigation which shows noise levels to fall within the No Observed Adverse Effect Level. Furthermore, building service plant noise levels are predicted below existing measured background noise levels at the existing noise sensitive receptor locations.
- 7.24 The prospective occupiers may require trading 24 hours a day. The noise assessment has tested and allows for this through mitigation in the form of a 3.0 metre high barrier to the east of the site. With mitigation, the results indicate a low risk of adverse impacts.
- 7.25 The Noise Assessment concludes that the proposed development is predicted to have a low impact and noise levels fall within the Lowest Observed Adverse Effect Level (LOAEL).
- 7.26 Concerns have been raised over potential light pollution arising from the proposed uses. The application documents do not appear to show any external lighting either to facades of the building or to the surrounding car park. To ensure compliance with policy D5 Crime Prevention, and to D4 – Outdoor lighting a suitable lighting scheme should be designed and implemented to minimise potential pollution from glare and light spillage. It is recommended that the inclusion of a condition on any subsequent permission that requires the design, approval and implementation of such a scheme, prior to the development being brought into use (para 2.07) is imposed.
- 7.27 Owing to the nature of an A3 use, odour emissions can be expected. Concerns in this regard have been raised. It would be difficult to eliminate all smells arising from uses such as proposed, however to ensure compliance with policy EWP 13, the application should demonstrate how the impact of odour emission can be mitigated, particularly in respect of nearby residents. The application would appear devoid of such information, and therefore, it is recommended the inclusion of a condition requiring the preparation, submission and approval of an odour mitigation scheme prior to the uses coming into effect (para 2.8).
- 7.28 Business and Community Safety raises no objection to the proposal and recommends the inclusion of the conditions which are referenced in paras 2.08 and 2.09, relating to the requirement for an acoustic fence and odour ventilation systems.
- 7.29 The opening hours of the class A1 unit proposed are indicated to be 00.00 – 23.59 including weekends and bank holidays. The class A3 unit proposes opening hours between 8.00 and 22.00, also including weekends and bank holidays. These hours have been considered by the Business and Community Asset team who recommend the hours be limited across both units to 8.00 – 22.00. It is considered that these hours would be appropriate in this location subject to the installation

of the noise and odour mitigation measures which are to be approved by the Local Planning Authority. Para 2.10 above recommends a condition to this effect.

- 7.30 Having regard to the above assessment, and subject to the inclusion of the suggested conditions, it is considered that potential pollution and nuisance issues can be mitigated against so as not to harm adjacent living conditions and as such the proposal complies with the requirements of Policies GEN 1, EWP 13, and EWP 14 of the Unitary Development plan.

8.00 CONCLUSION

In conclusion, the principle of the development is acceptable and the character and appearance, potential nuisance issues and highway safety are all considered to be satisfactory and/or can be mitigated against. For the reasons outlined above, it is concluded that the proposals are compliant with relevant planning policies and are therefore recommended for approval.

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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