

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **FULL APPLICATION – DEMOLITION OF THE POTTER’S WHEEL PUBLIC HOUSE AND ERECTION OF 1 NO. FOODSTORE (USE CLASS A1), ASSOCIATED CAR PARKING, ACCESS, SERVICING AND LANDSCAPING AT THE POTTER’S WHEEL, THE PRECINCT WAY, BUCKLEY**

APPLICATION NUMBER: **052590**

APPLICANT: **ALDI STORES UK LTD**

SITE: **THE POTTERS’ WHEEL, THE PRECINCT WAY, BUCKLEY**

APPLICATION VALID DATE: **8TH OCTOBER 2014**

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

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

REASON FOR COMMITTEE: **THE RECOMMENDED SECTION 106 AGREEMENT INVOLVES MATTERS FOR WHICH POWERS ARE NOT DELEGATED TO THE CHIEF OFFICER**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This full application seeks approval for the demolition of the “Potters’ Wheel” public house and erection of a 1892m² retail food store, together with ancillary car parking, access, servicing and landscaping.

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide the following:-

1. The payment of a contribution of £50,000 to the Council for use in facilitating the implementation of public realm enhancements upon Precinct Way. Such sum to be paid to the Council upon commencement of the development.
2. The payment of £4000 towards the review of existing Traffic Regulation Orders and the implementation of amended Orders.

Conditions

1. Time limit on commencement.
2. In accord with approved plans.
3. Samples and/or precise details of all external finish and surface materials and colours to be submitted and approved.
4. Detailed composition of brick use in elevations to be submitted and agreed prior to the commencement of the development.
5. No development to be commenced until a scheme for the comprehensive drainage of foul, surface and land waters approved.
6. Ecologist to be present during demolition phase to ensure no bats habitat effects.
7. Scheme for hours of deliveries to be agreed.
8. Construction traffic management and routing scheme to be agreed. To include facility for wheel wash and measures to keep road free from mud arising from development site.
9. Full details of all proposed boundary treatments.
10. Submission and agreement of scheme for provision of public art to be submitted and agreed prior to the commencement of the development and implemented in full prior to the first use hereby approved.
11. Implementation of landscaping
12. Details of acoustic performance of all external plant, refrigeration and air conditioning units to submitted and agreed.
13. Surface water drainage scheme to be submitted and agreed.
14. Bio-security risk assessment to be submitted and agreed.
15. No works to commence until scheme for pedestrian crossing on Precinct way submitted and approved.
16. Pedestrian crossing facilities to be completed before store opens.
17. Existing vehicular access to Potters Wheel to be closed and reinstated as footway before store opens.
18. No works to commence until Full Travel Plan is submitted and approved.

If the Obligation pursuant to Section 106 of the Town & Country Planning Act 1990 is not completed within six months of the date of the committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Members

Councillor R. Jones:

No response at time of writing.

Councillor A. Woolley

Requests Committee determinations. Has concerns in relation to the extent of the application site.

Buckley Town Council

Council supports the application. Makes observations in relation to the footpath link to the precinct.

Highways Manager (DC)

No adverse comments. Advises that a contribution of £4000 is required to review existing Traffic Regulation Orders in order to prevent casual parking on Precinct Way. Also requests the imposition of conditions and notes.

Pollution Control Officer

No response at time of writing.

Economic Development Manager

No objection subject to an appropriate S.106 agreement and good pedestrian links between the store and town centre.

Welsh Water/Dwr Cymru

No response at time of writing.

Natural Resources Wales

No objections. Requests the imposition of conditions in relation to the need for surface water drainage measures to be agreed and also for a bio security risk assessment to be submitted and agreed.

Airbus

No response at time of writing.

4.00 PUBLICITY

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

- 4.02 At the time of writing, 1No. third party letter has been received in response to the publicity exercise. This raises an objection on the grounds that the proposals do not provide for additional car parking and consequently this will give rise to increased parking pressure in the locality to the detriment of highway safety. Furthermore, the lack of car parking would not contribute to the regeneration of the town centre.
- 4.03 In addition, a petition bearing some 400+ signatures has been received in support of the proposals on the basis that the proposals increase the range of shopping options to residents, reduce the need to travel to other nearby settlements and contribute to the regeneration of the town centre.
- 4.04 A letter has been received on behalf of Central Precinct objecting to the potential planting of trees.

5.00 SITE HISTORY

5.01 15921

Extension to Potters' Wheel
Permitted 6.5.1987

19690

Illuminated signage at Potters' Wheel
Permitted 3.7.1990

22003

Extension to car park
Permitted 1.12.1992

01/148

Extension to Potters' Wheel
Permitted 12.4.2001

01/1230

Siting of a market on car park
Permitted 31.1.2002

043075

Erection of terrasols and new access doors to Potters' Wheel
Permitted 21.5.2007

6.00 PLANNING POLICIES

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

Policy D2 - Design
Policy D3 – Landscaping
Policy D6 – Public Art
Policy AC1 - Facilities for the Disabled
Policy AC2 - Pedestrian Provision & Public Rights of Way
Policy AC3 - Cycling Provision
Policy AC13 - Access and Traffic Impact
Policy AC18 - Parking Provision & New Development
Policy S3 - Integrating New Commercial Development
Policy S6 - Large Shopping Developments
Policy IMP1 – Planning Conditions & Obligations

Other Material Documents

Buckley Master Plan
Buckley Public Realm Design Guide

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

The site comprises a 0.88 hectare area of land within the settlement of Buckley. The site is basically rectangular in shape, save for a projecting route northwards towards the precinct. The site presently comprises land occupied by the Potters' Wheel Public House and its associated car park; and land to the north which is presently in use as part of the Local Authority owned and operated car park.

7.02 The site is comparatively flat across each axis and is reflective of the surrounding landform. The site is bounded to the south and west by existing residential areas with this boundary formed by a variety of residential curtilage fences and an informal landscaped strip. The eastern boundary bounds onto Precinct Way, with further residential dwellings beyond that to the east. The site is bounded to the north by land comprising the remainder of the car park and the premises of The Royal British Legion. Beyond these is located the Central Precinct Complex and the main shopping streets of Buckley.

7.03 Vehicular access to the two areas of the site is derived via separate access points off Precinct Way.

7.04 The Proposals

The proposal involves the demolition of the existing public house and erection of a 1892m² A1 retail food store. Also involved is the remodelling of the current car parking areas within the proposed site to create a 110 space car park together with service and delivery access and landscaping. The proposal creates 1,701m² of sales floor area.

7.05 Main Planning Issues

It is considered that the main planning issues can be summarised as;

1. Principle of development;
2. Design;
3. Highways and access;
4. Amenity impacts; and
5. S.106 requirements.

7.06 Principle of Development

The site is located within the settlement boundary of Buckley and is located within the boundaries of Buckley Town Centre. The positioning of the proposed store would comply fully with applicable national and local planning policies. In addition, assessment of the proposals must have regard to the provisions of the Buckley Master Plan which was approved by the Council on 17th May 2011 as a document providing key guidance for the consideration of future development proposals within Buckley Town Centre.

7.07 It is clear from discussions with both Policy and Economic Regeneration colleagues that the proposed layout and arrangement of the scheme represents the appropriate response to the aim of the Master Plan in this location. Members will also recall that a Public Realm Enhancement Design Guide was produced as a detailed document to inform future development as a consequence of the Master Plan. This document provides guidance in relation to certain key programmes for the enhancement of the town centre in both design terms and in relation to contributions towards the enhancement of the built urban form. Furthermore, Flintshire Town Centre Health Checks (2008) and the Retail Capacity Study (2011) both identify a shortfall within the settlement of convenience retailers provision sufficient to meet the needs of the growing town.

7.08 I am satisfied that the provisions made via this application towards the Public Realm Enhancements intended for Precinct Way would, together with amendments secured to the design of the scheme and improved connectivity with the Central Precinct, ensure that concerns in relation to conformity with Policy S3 are not borne out.

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

7.10 Design

The scheme provides for a purpose built store to meet the operational needs of the applicant. There has been significant negotiation in relation to the composition of the scheme to satisfy the design requirements of the Local Planning Authority. The design amendments have succeeded in breaking up the expanse of the elevation fronting Precinct Way by including the greater use of brick. The negotiations have reached a point where there is a proposal to

include a brick bas relief piece of public art in this area although the precise form of the subject of the artwork is to be agreed. However, I am satisfied that this can be secured by condition. In addition, in conditioning the agreement of materials samples, I am also conditioning the agreement of how and where coloured brick is to be utilised within these elevations to reflect the brick making heritage of the town.

7.11 The proposed point of access to the store has also be relocated to a frontage position at the north eastern corner of the store to create a point of visual interest to act as a gateway marker to the site upon both northern and southern approaches.

7.12 The whole approach to the design amendment has been underpinned by a desire to see the proposal accord with the aims of the Buckley Master Plan. To this end, the desire to create a frontage onto Precinct Way has been essential and therefore the need to ensure that the access to the store relates to this area is crucial.

7.13 Highways and Access

The proposals propose amendment to the current vehicular access points to the site such that the existing access to the Potters' Wheel site is closed off. The current single point of access to the Local Authority Car Park is proposed to act as the single point of access to both the site and the car park, with an access to the site derived internally from the car park. A pedestrian crossing is also proposed to be provided on Precinct Way

7.14 The scheme proposes a remodelling of the car parking arrangements within the site to provide 110 spaces. This has been examined, and whilst the level of provision would amount to a reduction on the current levels of car parking presently available, this must be balanced against the fact that the current car park of the Potters' Wheel is for use by patrons only.

7.15 Therefore the proposed levels would serve a dual purpose of not simply providing parking facilities to serve the application site, but also to afford a level of dual use parking by shoppers wishing to also access the town centre. To allow the ability for shoppers to make linked trips to a variety of retails outlets, provision is made for an improved pedestrian route across the car park to the Central Precinct, this, together with the proposals to be secured via S.106, serve to satisfy the requirements of policy S3. This opportunity for linked trips to the town centre which is an intrinsic component of ensuring that the retail proposal is sustainable in the context of viability and vitality of the town centre. Furthermore, it serves to satisfy the need to demonstrate that, whilst formal Retail Impact Assessment is not required, 'retail impact' has been assessed in this scheme.

- 7.16 There is the potential for casual parking along Precinct way by shoppers and therefore a review of existing Traffic Regulation Orders will be required to prevent this from occurring. The Head of Highways advises that a S.106 contribution of £4000 towards such a review and the resultant implementation of amended orders is required. This request relates reasonably to the proposals and is required in order to ensure that the proposals do not give rise to the obstruction of the free flow of traffic upon the adjacent highway or an impediment to visibility at the junction to the car park and store in the form of parked vehicles within the visibility splays. I propose to seek the same via S.106.
- 7.17 Accordingly, no objection is raised upon highway grounds subject to the S.106 requirements and specified conditions.
- 7.18 Amenity Impacts
In considering the proposal, I am mindful that the site is bordering on, essentially, 3 sides by existing residential development. The occupiers of those dwellings enjoy a certain existing level of amenity which I am keen to see maintained.
- 7.19 The scheme indicates that the boundaries to the adjacent properties are to be comprised of a mix of existing garden fences or new palisade fences. I am satisfied with these proposals. I am concerned that the proximity of some dwellings to the proposed store and its service areas may result in detriment to amenity as a consequence of noise and disturbance. Accordingly I propose to condition the submission and agreement of acoustic details of all external plant, refrigeration and air conditioning units and also require the submission and agreement of a scheme for delivery times to be submitted and agreed.
- 7.20 Section 106 Requirements
Supplemental to the aims of the Buckley Master Plan is a scheme for public realm enhancements works at certain key location within the town centre. One of these locations is Precinct Way. The scheme of works proposed for this area seeks to soften the impact of precinct way, calm traffic and improve public transport and pedestrian routes though and across the road. The scheme proposes to achieve these ends via the re-alignment of Precinct Way and amendments to the design and form of the urban space.
- 7.21 In view of concerns to ensure that the development proposal fully integrates with the Town Centre, negotiations have been held with the applicant with a view to securing a contribution via S.106 towards the delivery of this scheme of improvements. Both parties have come to agreement that this scheme of works forms an intrinsic part of the sustainability credentials of the scheme in terms of links to the town centre.

7.22 Therefore, it is proposed that a contribution of £500,000 towards the delivery of this scheme of public realm improvements will be paid upon commencement of development. This sum is to be secured via a Section 106 agreement.

8.00 CONCLUSION

8.01 The scheme provides for the creation of a new retail unit and improvement to the retail offer within Buckley Town Centre. The proposal will positively contribute to the town and its health and viability on serving the convenience shopping needs of the community.

8.02 I am satisfied that whilst the location of the building is not exactly as that envisioned within the Buckley Master Plan, this is acceptably balanced with other material considerations which provide significant enhancements to the environment of the locality and its relationship with the town centre and therefore is acceptable in planning terms.

8.03 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

Contact Officer: David Glyn Jones
Telephone: 01352 703281
Email: david.glyn.jones@flintshire.gov.uk