

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **4<sup>th</sup> OCTOBER 2017**

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

**SUBJECT:** **FULL APPLICATION - ERECTION OF NEW RETAIL UNITS WITH ASSOCIATED ACCESS, CAR PARKING, SERVICING AND LANDSCAPING ARRANGEMENT AND AMENDMENTS TO THE EXISTING CAR PARK AT FLINT PAVILION SPORTS CENTRE, EARL STREET, FLINT**

**APPLICATION NUMBER:** **057263**

**APPLICANT:** **HOLLINS MURRAY GROUP**

**SITE:** **FLINT PAVILION SPORTS CENTRE, EARL STREET, FLINT**

**APPLICATION VALID DATE:** **18.07.17**

**LOCAL MEMBERS:** **COUNCILLOR D COX**  
**COUNCILLOR M PERFECT**

**TOWN/COMMUNITY COUNCIL:** **FLINT**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 This is a full planning application for the erection of new retail units with associated access, car parking, servicing and landscaping arrangements and amendments to the existing car park at land off Earl Street, Flint. The application site is within a town centre of a main town as defined by the Flintshire Unitary Development Plan. The proposed development on an existing car park will lead to a reduction in the number of spaces available for the retail park however the submitted parking survey shows that even with the new development

car park occupancy at peak times would be under 90%. The development would generate noise from deliveries however the proposed noise mitigation in the form of the acoustic fence and proposed servicing and opening hours would mitigate any adverse impacts.

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

- 2.01
1. Time commencement
  2. Plans
  3. Delivery hours 7.00 - 22.00 Monday to Sundays
  4. Opening hours 09.00 - 20.00 Monday to Saturdays 10.00 - 17.00 Sundays (6 hours)
  5. Noise mitigation – acoustic barrier implementation and specification
  6. Land contamination assessment
  7. Parking
  8. Construction Traffic Management Plan
  9. Prior to commencement - Travel Plan and Transport Implementation Strategy
  10. Public Art
  11. Materials
  12. Drainage – land, surface and foul
  13. Landscaping - implementation and maintenance
  14. Details of hard landscaping materials paving, benches
  15. Lighting

## **3.00 CONSULTATIONS**

3.01 Local Member  
Councillor D Cox

No response received at time of writing.

Councillor M Perfect

No response received at time of writing.

Flint Town Council

Supports the principle of the scheme. However do have concerns about pedestrian safety and that measures should be incorporated in the scheme to provide segregation of pedestrian and vehicle movements. Landscaping and its management is also important to the amenity of the area and should be conditioned.

Highways Development Control Manager

No objection subject to conditions covering;

- Parking
- Construction Traffic Management Plan

- Travel Plan and Transport Implementation Strategy

#### Public Protection Manager

##### Noise

The noise report indicates that noise from the new units and associated deliveries would cause a moderate impact on some nearby residential properties.

Therefore, as outlined in the noise report the following mitigation measures should be included in any planning permission that is granted :-

- An acoustic barrier of 3m in height should be constructed as set out in the noise assessment modelling.

n.b. The acoustic barrier should be constructed from close boarded, overlapping timber with a minimum thickness of 15mm. BS5228 states that the overall attenuation of a noise barrier will be limited by transmission over and around the barrier, provided that the barrier material has a mass per unit of surface area in excess of 7kg/m<sup>2</sup> and there are no gaps at the joints.

The noise report indicates that with the noise barrier installed the noise from the development will have no impact upon any nearby residential properties.

##### Land Contamination

According to records held by this department, the site was once occupied by part of a viscose rayon manufacturing site and it is understood that a number of different wastes were disposed in areas around the site and that a tank used to store chemicals; specifically carbon disulphide, used in the process was buried in the ground somewhere within the site and may still be in-situ.

Require a condition for land contamination assessment prior to commencement of development.

##### Clwyd Powys Archaeological Trust

The existing car park lies outside the medieval town boundary of Flint in an area which is not known to contain any medieval or later settlement activity. OS mapping indicates an empty area situated between the former Gas Works to the north and an Old Coal Shaft to the south. The site has subsequently been developed in later 20<sup>th</sup> century as a car park. The potential for well preserved sub-surface archaeology of any period is expected to be low and no archaeological intervention is required.

##### Welsh Water/Dwr Cymru

No objections subject to conditions covering foul, land and surface water drainage.

Natural Resources Wales

No objection.

Business Development

Supportive of this application as the associated new job creation will generate additional economic growth within an existing retail park environment. The only caveat is that there remain sufficient parking for wider public use.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice and Neighbour Notification

1 representation supporting the proposal as long as there are toilets in the scheme.

1 representation supporting the proposal although is concerned about the loss of parking.

2 objections on the grounds of;

- Loss of parking will lead to more on-street parking which is already a problem. Need resident only parking
- Will directly overlook my property and block the light
- Noise and disruption from delivery lorries

**5.00 SITE HISTORY**

5.01 047514 Outline - Erection of a retail unit and alterations to existing car park layout. Approved 14.07.10.

039519 Outline - Erection of new retail unit and alterations to existing car park layout. Approved 01.08.05.

**6.00 PLANNING POLICIES**

- 6.01 STR1 – New Development  
STR 5 - Shopping Centres and New Development  
GEN1 – General Requirements for New Development  
GEN2 – Development inside Settlements  
AC13 – Access  
AC18 – Parking  
S1 – Retail and Commercial Allocations  
S6 – Large Shopping Developments  
D1 - Design Quality, Location and Layout  
D2 – Design  
D3 – Landscaping  
D4 – Outdoor Lighting  
D6 – Public Art

Planning Policy Wales Edition 9

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full planning application for the erection of new retail units (open A1 food/non-food use) with associated access, car parking, servicing and landscaping arrangements and amendments to the existing car park at land off Earl Street Flint.

#### Site Description

The 1.4 hectare application site is currently in use as a car park which serves the existing retail park. The site is bounded to the north by the Asda store and its car park and to the west by the existing retail park at a lower level. To the east of the site are residential properties located off Earl Street and the vacant site of the former Flint Social club. To the south is the existing road into the retail park, opposite which is Flint Pavilion Leisure Centre.

There is an existing service access across the northern boundary of the site which serves the existing retail units to the north and west. There is also an existing pedestrian link along the eastern boundary of the site to the town centre between two hedgerows.

#### Proposed Development

It is proposed to erect four retail units which total 3,584sqm which will serve as an extension to the existing retail park. The four units comprise;

- Unit A 140 sqm (1,585 sqft) non-food retail
- Unit B 140 sqm (1,585sqft) non-food retail
- Unit C 905 sqm + 78 sqm mezzanine – The Food Warehouse (9730sqft) food retail
- Unit D– 2,321sqm Home Bargains (25,000 sqft) non-food

Vehicular access to the site would be through the two existing points of access off the existing access road that serves the site. The existing service access to the north would be utilised to serve the proposed development and a staff parking area of 10 spaces. The loading bay is to the north of the site in order to serve the rear of the proposed units. 111 car parking spaces, 20 cycle stands and 6 motor cycle parking spaces would also be provided.

The site is at a higher level than the retail units to the west and north therefore a retaining wall would be required along these boundaries. There are existing steps between the site and the adjacent retail units which would remain. Pedestrian access from the site would link to

existing paths to the town centre which would be re-routed through the site. The acoustic fencing and security fence would run along the eastern edge of the eastern unit.

The shop fronts would be a mixture of glazing, brown and red brick and metal panelling. The brick and panelling would continue along the side and rear elevations. Soft landscaping is proposed in the form of tree and shrub planting along the northern boundary between the service road and the loading bay, along the eastern boundary pedestrian link adjacent to the residential properties, along the western edge of the site and within the car parking areas along with benches.

The proposed opening hours would be 09.00 to 20.00 Mondays to Saturdays and 10.00 to 17.00 hours for a 6 hour period on a Sunday. The proposed servicing hours are 07.00 hours to 22.00 hours Mondays to Sundays.

The application was accompanied by a;

- Planning and Retail Statement
- Pre-application Consultation Statement
- Design and Access Statement
- Transport Assessment
- Travel Plan
- Noise Assessment
- Landscaping Scheme

It is anticipated that the scheme would generate 90-120 local full time equivalent jobs.

#### Principle of Development

The site is situated outside the core retail area but within the town centre boundary and Flint settlement boundary as defined by the Adopted Flintshire Unitary Development Plan. The Core Retail area is approximately 190m north-west of the Core Retail Area boundary at Church Street. Outline consent has previously been granted on the site for a 2,044 sqm retail unit which was not implemented and has since expired.

Policy S6 of the UDP Large Shopping Developments deals with proposal of this nature. It states;

*“Proposals for large shopping developments in excess of 500 square metres 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 centres. In all cases such developments will be permitted only where:*

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

The site has had previous consents for retail uses which have not been implemented. Flint is a main town and the scale of the development is appropriate for the scale of the town.

- b. the site is within the settlement boundary;*

The site is within the settlement boundary of Flint.

- 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 site is in a town centre location. There are no other sites within the core retail area.

- 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 located within walking distance of the residential properties of Flint Town centre and public transport; bus stops (100 metres) and the train station (600 metres).

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

The proposed development is within an existing retail and leisure area and would benefit from linked trips to the other facilities. The transport impacts of the development have been assessed through a Transport Assessment.

- f. outside defined town centres a need for the proposal has been demonstrated.*

The site is not outside a defined town centre.

#### Draft Flint Strategy and Masterplan

The Council has produced a draft Strategy and Masterplan for the town which includes this site. The Spatial Framework identifies improved pedestrian links to Flintshire Retail Park as a key aim and identifies new retail floor space on the application site.

Planning Policy Wales and TAN4 set out national policy in respect of retail planning. Both advocate a town centre first approach. Need for the development does not need to be demonstrated as this is a town centre location. Consideration has been given to the availability of

sites within the Core Retail Area however none were identified.

Local and national planning policy guidance is supportive of retail proposals in town centres and therefore there is no objection in policy terms to the proposed development. The proposal would see the redevelopment of a brownfield site within the town centre in a sustainable location which is supported by both national and local policies. The proposed development is for food and non-food with two stated end users, one being convenience and one being non-food. The other two units are proposed to be non-food. There is no need to condition the type of goods sold as the site is in the town centre.

### Parking

The development will result in a reduction in the number of car park spaces provided in the retail park as a whole from the current provision of 857 to 590 (an overall loss of 267 spaces). There are 388 spaces in the application site car park at present which will be reduced to 121 spaces.

The application is supported by a Transport Assessment including a car park occupancy assessment. At present the maximum weekday accumulation occurs on a Wednesday between 12.00-12.15 and results in 61% occupancy of the car park. The maximum Saturday usage occurs between 14.00-14.15 with a 43% occupancy. The evidence presented (based on current usage surveys) indicates that the peak period car park occupancy rates will increase but an adequate level of availability will remain. The weekday peak would increase to 89% occupancy with the new development and 63% occupancy on the weekend. This is therefore considered to be acceptable. The proposed development is likely not to be visited in isolation as visitors will make linked trips to the other units on the park and within the town centre. The land is privately owned and therefore cannot be classed as a public car park although it does currently serve a function for town centre users.

The retail park is within walking distance of the train station (600 metres) and other public transport opportunities with bus stops within the retail park (100 metres) and along the A548 (400 metres) within a suitable walking distance. These stops offer up to 7 services per hour in the peak period to Chester, Flint and Rhyl.

20 cycle stands are also proposed within the new development. The retail park is also within walking distance of the residential areas within Flint town centre. The proposal would upgrade the existing pedestrian route through the site into Earl Street which links to the town centre. This includes off site signage through fingerpost signs.

The Transport Assessment also indicates that additional traffic generated by the proposed development will not unduly impact on the operation of the nearby junctions or site accesses. The location of the



site is well positioned in relation to sustainable transport facilities (bus and train) and to active travel opportunities (pedestrian and cycle).

The application includes a Framework Travel Plan with a proposal to upgrade to a working document prior to opening of the first unit. Framework Travel Plans are used for speculative development or where an end user is not known; as such the document is lacking the detail required. At present only two occupiers are known. The developer should submit a Full Travel Plan including targets and clear outcomes along with measures to ensure that these can be achieved once all the retailers are known.

### Noise

A noise report has been submitted with the planning application. It indicates that noise from the new units and associated deliveries would cause a moderate impact on some nearby residential properties. The former Flint Social club site has planning permission for 8 dwellings 051264 which was approved 05.11.14. This is a terrace of 8 houses which fronts Earl Street. Consideration of these potential residents therefore needs to be taken into account. To mitigate this an acoustic barrier of 3m in height is proposed to be constructed on the site boundary along the east adjacent to the service bay.

The noise report indicates that with the noise barrier installed the noise from the development will have no impact upon any nearby residential properties. Due to the length of the rear gardens of the residential properties it is considered that the visual impact of the barrier is acceptable.

### Public Art

Policy D6 of the Flintshire Unitary Development Plan and Supplementary Planning Guidance Note 30 requires the incorporation of public art in all major publicly accessible developments. The application site is in a prominent location on the entrance to a retail park. There are opportunities within the public realm area for incorporation of public art or for something on the side of the building which runs adjacent with the footpath link to the town centre to create an attractive pedestrian environment.

## **8.00 CONCLUSION**

- 8.01 The application site is within a town centre of a main town as defined by the Flintshire Unitary Development Plan. The proposed development would be sustainable development within a town centre. While the proposed development on an existing car park will lead to a reduction in the number of spaces available for the retail park, the submitted parking survey shows that even with the new development car park occupancy at peak times would be under 90%. The

development would generate noise from deliveries however the proposed noise mitigation in the form of the acoustic fence and proposed servicing and opening hours would mitigate any adverse impacts.

#### 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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