

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **26<sup>TH</sup> JUNE 2019**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF A CONVENIENCE STORE AND ASSOCIATED CAR PARKING AREA AT MILLSTONE INN, HAWARDEN ROAD, PENYFFORDD.**

**APPLICATION NUMBER:** **059373**

**APPLICANT:** **THE CO-OPERATIVE GROUP**

**SITE:** **LAND ADJOINING MILLSTONE INN, HAWARDEN ROAD, PENYFFORDD CH4 0JE**

**APPLICATION VALID DATE:** **18<sup>TH</sup> DECEMBER 2018**

**LOCAL MEMBERS:** **CLLR D WILLIAMS**  
**CLLY C HINDS**

**TOWN/COMMUNITY COUNCIL:** **PENYFFORDD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **COUNCILLOR REQUEST**  
**CONCERN OVER HIGHWAYS SAFETY**

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

**1.00 SUMMARY**

1.01 This is a full application for the erection of a convenience store and associated car parking area at land adjacent to the Millstone Inn, Hawarden Road, Penyffordd.

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

- 2.01
1. Time limit
  2. In accordance with plans
  3. Details of the cage store

4. Details of the acoustic fence to be erected on the eastern boundary of the site
5. Only foul water from the development site shall be allowed to discharge to the public sewerage system
6. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
7. Details of site access design
8. The works associated with forming the means of site access completed first
9. The proposed access shall have a visibility splay of 2.4m x 43m in both directions measured along the nearside edge of the adjoining carriageway
10. Visibility splays at the proposed point of access shall be made available and kept free from all obstructions for the duration of site construction works.
11. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles
12. Positive means to prevent the run-off of surface water from any part of the site onto the highway
13. Submission of a Construction Traffic Management Plan
14. Submission of a Travel Plan and Transport Implementation Strategy (TIS)
15. Hours of opening
16. Landscaping and Implementation

### **3.00 CONSULTATIONS**

#### **3.01 Local Member Councillor D Williams**

I wish to express the following views that I trust will be fully recorded. I request the final decision to be made by committee, and also request a site visit of planning committee members in order to view the issues of the proposal first hand.

In my opinion, the proposal will be a valuable addition to the village that can provide the following benefits.

- \* A store that is central to the village that will be in a location that will make it easy for many residents to walk to for basic supplies.
- \* Disperse this form of business giving an alternative shopping provision to the Spar store that currently suffers from serious highway safety issues. The new shop will hopefully spread the issues and reduce the problems that currently exist.
- \* Provide competition that residents can benefit from.

In contrast, there are some serious issues with the proposal that need to be taken on board, these being.

- \* Road safety issues in this location will undoubtedly increase.
- \* The proposed location is in the centre of the village, next to the main playing fields and opposite the community centre that accommodates the youth club and various other activities.
- \* It is also opposite the scout hut that is in use every day of the week.
- \* The Millstone pub is next door and despite a large car park, the business often attracts on the road parking that causes problems.
- \* The increase in traffic will add to the hazards that currently exist.
- \* Being central to the village, there is an intense flow of traffic on what is the major route to the new school which is to open in September. Existing highway safety issues will be compounded by inevitable increase in traffic passing this location.

If the proposal is to be approved I will be seeking.

- \* Significant improvement of the immediate road safety provision in the form of the following suggested possibilities.
- \* Yellow hatchings from the Corwen road junction to the Chester road fork that are over the entire road between these two junctions.
- \* Possible chicane, road narrowing, or priority passing between the Corwen road junction and the Chester road fork.
- \* Removal of hedge outside scout hut and widening of footpath. (The site is currently council owned!)
- \* Landscaping scheme including tree planting along the boundary of the playing fields and the terraced area of the Millstone pub.
- \* Complimentary brickwork and slate roofing to the front, south and north of the site to blend in and compliment the current streetscene of the Millstone pub and the old school opposite.

#### Further comments received 9<sup>th</sup> June 2019

I am not seeking to cause any delays, and provided the issues below can be resolved to the satisfaction of my Community, I will happily agree to a delegated decision, these being.

1. Road safety measures in the immediate vicinity from between the Chester road and Corwen road junctions are agreed prior to

approving the application and in consultation with community representatives. To approve the scheme that permits the minimum requirement of access width and visibility splay will be unacceptable to myself and the community.

Concerns have been expressed about the fact that it is next to the largest and busiest play area in the village, it is across the road from scout hut and well used community centre, and next to the Millstone public house, that despite there being parking provision there, there are still regular issues of on road parking to the front. The fact that this is a major route to school that will mean a significant increase in pedestrian use when the new school opens is also a reason for extensive road safety measures in the area.

I accept that it may not be possible to impose a design on the applicant, but consider it appropriate for County to work with them to ensure the 'bigger picture' is taken into account and not just an entrance that complies to minimum standards. If this means County having to share some of the cost, so be it, as given the amount of revenue that is now being generated with all the new properties of the village, predominantly Council tax band F & G, this will be a very worthy and welcome improvement to road safety in the village.

2. Materials and external finishes are approved prior to commencement and are complimentary to the buildings of the location that include the Millstone next door and Community Centre across the road.

3. Landscaping that includes a tree planting scheme that shields the play area from the main new building the extent of the boundary.

#### Councillor C Hinds

Whilst I agree with the Co-op and we need more shops for the village Cllrs. Alan Wight and David Williams' view points should be taken on board for the future and make an area, which will be well used by children mainly, as there is a big play area, youth club, scout and beavers hut and it is the main route for half the village to the new school safer. Also the building where the youth club is we are hoping, as a village, to take over as a community asset transfer. There will be a lot of activity in that area plus vehicles

Before this application goes to Committee these factors need to be taken on board and hopefully sorted out but if not then it has to go to Committee. Highways just cannot say go ahead ignoring what the community says.

#### Penyffordd Community Council

The Council voted on this application with 8 in favour 1 against and 3 abstentions. The Council support this application.

#### Head of Community and Business Protection

No adverse comments, however the site is close to nearby sensitive properties so some protection will be required to minimise potential loss of amenity.

#### Highways Development Control

Further information in the form of a Technical Note produced by SCP has been submitted; this adequately addresses previous concern related to the proposed car parking levels. It is argued that the site is well situated to enable sustainable travel options; in order to ensure that car parking spaces are available throughout the day I suggest the provision of a staff travel plan.

Suggested conditions and advisory notes

#### Dwr Cymru/Welsh Water

Suggests conditions and advisory notes

### **4.00 PUBLICITY**

#### 4.01 Press Notice, Site, Notice, Neighbour Notification

21 Letters of objection received

- Loss of an attractive amenity area for village
- Highways safety
- Increased risk of flooding
- Village adequately served by Spar store
- Air quality
- Noise issues
- Light pollution
- Inappropriate development outside settlement boundary
- Unremarkable design

3 Letters of support received

- Much needed facility for growing community

### **5.00 SITE HISTORY**

#### 5.01 No relevant history

### **6.00 PLANNING POLICIES**

#### 6.01 Flintshire Unitary Development Plan

STR3 Employment

GEN1 General Requirements for Development

D1 Design Quality, Location and Layout

**7.00 PLANNING APPRAISAL**

**7.01 Proposal**

The proposal is for the erection of a convenience store and associated car parking area at land adjacent to the Millstone Inn Public House, Hawarden Road, Penyffordd.

**7.02 Principle of Development**

The site lies adjacent to, but outside, the settlement boundary to Penyffordd in the Flintshire Unitary Development Plan. The applicant has adopted a sequential approach in identifying the site, which follows the advice specified in TAN4 and the relevant policies within the Unitary Development Plan for this form of development. Objectors have raised the possibility that the applicant may have considered the former school site

7.03 Whilst the site is technically outside of the settlement boundary it is very much an infill form of development on a plot which follows the prevailing built form of the village and does not project into an area of open countryside.

7.04 Policy S5, Small scale shopping outside settlement boundaries, is concerned with small retail enterprises when run in conjunction with craft or other other rural enterprises. As set out above it is clear that this proposal is not within the rural area or open countryside but forms an infill development adjacent to the settlement boundary. As such I do not consider this policy to be relevant to the proposal.

7.05 It is therefore considered that the policy tests set out in Policy S4, small scale shopping within settlements are appropriate to consider alongside this development. Policy S4 seeks to ensure the local shops are provided which a vital ingredient of community life both in village and in housing areas located at some distance to central facilities. The Policy seeks to ensure that proposal shops are below 300sqm or up to 500sqm in exceptional circumstances, the proposed shop relates to the role, scale and character and centre it is intended to serve and it is located within or adjacent to a local or village centre.

7.06 This proposal is 376.2 gross sqm<sup>2</sup> and so is in excess of the standard of 300sqm however it is considered that the proposal is of a scale and nature which clearly relates to the character and village it is intended to serve. It is located in a sustainable location on the edge of the settlement boundary and will offer more choice for current residents who currently only have one convenience store to use.

7.07 The former school site in Penyffordd was considered by the applicant, as discussed in the Planning statement which accompanies the application, however this was discounted as there was uncertainty regarding its availability. The current application site is considered to be a good alternative for the reasons discussed in this report. The Planning Statement which accompanies the application sets out in more detail the sequential testing undertaken by the applicant in assessing potential sites for the proposal.

7.08 As such I consider the robust sequential testing carried out by the developer and the sustainable credentials of this location weigh in favour of this proposal.

7.09 **Access and Highways**

The proposal provides 14 car parking spaces, this is a shortfall of 1 from the maximum required of 25 permitted in SPGN11. This is a maximum and a lower number can be acceptable where justification is provided. This justification has been provided and it is considered this adequately addresses previous concern related to the proposed car parking levels. It is argued that the site is well situated to enable sustainable travel options; in order to ensure that car parking spaces are available throughout the day I suggest the provision of a staff travel plan secured by a suitable condition.

7.10 The access itself will be constructed to an approved layout and will be compliant with highways regulations. The Highways Authority have raised no objections to the proposed access or parking provision.

7.11 The Local Member has requested various alterations and improvements onto the adjacent highway such as yellow lines and the introduction of chicanes. I do not consider that this would be a proportionate or reasonable to require the developer to fund these alterations to the highway. These features would need to be considered by the Strategic Highway Network as part of the Highways Authority when viewed within the wider scope of the community and road network. The Highways Strategy manager has confirmed that whilst he has not had the opportunity to discuss potential road safety concerns between Chester road and Corwen Road in detail with the Local member, other than progressing traffic regulation orders within the vicinity of the Spar and the British Legion, meetings have been held with education and the Local Members in relation to providing junction protection within the vicinity of the new school. I believe that this is the correct procedure to pursue in relation to local highways issues and it would not be reasonable or appropriate to require the developer of this application to provide extensive highways improvements given the scale of the development.

7.12 **Design Impact upon Streetscene and local amenity**

The proposed building, measuring 24930mm x 15250mm with a ridge height of 7543mm. is located close to the site frontage, gable on to the Hawarden Road frontage. Objections to the scheme have been received which dismiss the design of the building as unremarkable and creating a 'bland addition to the village. I consider the design to be appropriate both to its location and to the nature of the proposal.

7.13 The building is faced in red brick, with white render panels, and a tiled roof. Whilst the building follows corporate appearance of Co-op stores the use of red brick and grey roof tiles is characteristic of the local vernacular and helps to integrate the building into the streetscene. The Local Member has requested that slate be used on the roof, whilst a number of the older properties in the village centre do have slate roofs, I do not consider it to be reasonable to require it of this building, which is of a modern construction. I consider the materials proposed, as detailed in the application, to be appropriate for the location.

7.14 The requirement to provide a landscaping scheme will be imposed as a condition, as I consider that the impact of the proposal, both on the Streetscene and on neighbouring dwellings, and in particular the residential caravan park to the rear, should be mitigated from harm by a proportionate and appropriate scheme of landscape. In addition the potential impact of the use of the site on the residential park at the rear should be mitigated by the erection of an acoustic barrier on the rear boundary. Details of which can be approved post decision.

7.15 **Economic and Community benefits**

The proposal intends to create 17 to 20 part time jobs and 5 full time jobs and as such can be seen to be delivering direct economic benefits to the community. Furthermore, there has been recent decline of the retail offer in the village and loss of independent retailers. There is currently only one retail business, the Spar convenience store, within the village.

7.16 TAN23- Economic Development emphasises the fact that the economic benefits of a development is a material consideration that should be taken within the planning balance. This proposal represents job creation as well as providing consumer choice to the wider community. Given the large amount of residential development in the local area within the last few years and the resultant growing population of the community, this can only be of benefit.



7.17 **Other Matters**

Third party objections have raised concerns regarding the loss of amenity space for the village. However, this is a privately owned site and not a public greenspace for use of the residents.

7.18 Further objections have been raised relating to increasing flood risk, air quality, noise and light pollution. The site is not in an area at risk of flooding and no objection has been raised by statutory consultees. Similarly no objection has been made by Community and Business Protection in terms of air quality, noise and light pollution. No further evidence has been submitted to substantiate these matters.

7.19 There are objections that the Spar shop is adequate but the sequential testing has demonstrated there is a need for a further retail offer.

**8.00 CONCLUSION**

I consider the proposal to be acceptable and in accordance with the relevant development plan policies. The development has benefits for the wider community and will not unacceptably harm local amenity or the Streetscene. As such I recommend accordingly.

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.

8.02 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.

8.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

8.04 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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