

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **2 SEPTEMBER 2020**

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

SUBJECT: **FULL APPLICATION – ERECTION OF DRIVE-THRU RESTARUANT UNIT AND DRIVE-THRU COFFEE SHOP UNIT (USE CLASS A3), ACCESS, LANDSCAPING AND ASSOCIATED WORKS AT MCDONALDS, ST. ASAPH ROAD, LLOC.**

APPLICATION NUMBER: **060475**

APPLICANT: **GASTRONOMY FOODS LTD**

SITE: **LAND EAST OF MCDONALDS, ST ASAPH ROAD, LLOC, HOLYWELL**

APPLICATION VALID DATE: **13TH SEPTEMBER 2019**

LOCAL MEMBERS: **COUNCILLOR CJ DOLPHIN**

TOWN/COMMUNITY COUNCIL: **WHITFORD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **DEPARTURE FROM DEVELOPMENT PLAN AND AT THE REQUEST OF THE LOCAL MEMBER**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application has been submitted for the erection of a drive-thru restaurant and drive-thru coffee shop to the existing service area at Junction 31 of the A55 North Wales Expressway.

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

2.01 Conditions

1. Time limit on commencement
2. In accordance with approved plans
3. Landscaping scheme to include the recommendations set out in the Focus Ecology Ltd Pre-liminary Ecological Appraisal Report, dated September 2019.
4. Visibility splay of 2.4m x 130m shall be provided to the east of the existing access road junction and no obstruction to visibility in excess of 0.6m above the nearside channel level of the adjoining highway.
5. The stated visibility splay at the proposed point of access shall be made available and kept free from all obstructions for the duration of site construction works.
6. Facilities shall be provided and retained within the site for the parking and turning, loading and unloading of vehicles and completed prior to first use of development.
7. No development, including site clearance works, until a Construction Traffic Management Plan has been submitted to, and approved by, the Local Planning Authority.
8. No development shall take place until a detailed drainage strategy is submitted to and approved in writing by the Local Planning Authority.
9. Prior to construction, the mitigation measures identified within the Focus Ecology Ltd, September 2019 and associated drawings shall be fully implemented.
10. Notwithstanding the submitted details, No pedestrian access between the A5026 and the site within the southern boundary of the site.

3.00 CONSULTATIONS

3.01 Local Member

Councillor C J Dolphin

Objection on the grounds of the use being inappropriate in the open countryside and concerns relating to traffic and parking.

Whitford Community Council

Object on the grounds of increased traffic on to the A5026; unsuitable access/egress to cater for this traffic; over development of the site; request the application be considered by planning committee; departure from the UDP.

Caerwys Town Council (as neighbouring Community Council)

Objection on the grounds that there are already adequate facilities and no need to develop in the open countryside; development is in an aquifer that is a "source protection zone" but there are no details on how this proposal will deal with these matters; unacceptable

increase in traffic; transport statement does not identify the appropriate peak being the weekends; litter associated with anti-social behaviour; lightspill and glow; signage will inevitably follow causing further harm but no details within this proposal.

Highways

Initially raised concerns relating to the information/data within the Transport Statement, particularly the chosen peak not appropriate and TRICs and traffic generation data not consistent with survey numbers. Also concerns about level of parking at a ratio of 1:7 (less than previous application) and need for vehicles with trailers/caravans to undertake difficult maneuvers. No accommodation for HGV's in design and there is an existing issue with parking on St Asaph Road, obstructing visibility splays and hindering access and egress, raising highway safety concerns. Additional information was provided including speed surveys, sight lines with additional information to substantiate parking and vehicle movement numbers. Now accept the proposal subject to several conditions and a section 106 contribution for Traffic Regulation Order to prevent parking on surrounding roads.

Pollution Control Officer

No objection.

Dwr Cymru/Welsh Water

No objection. Inform applicant there is likely to be capacity for sewage. Recommend early engagement with authority for Sustainable Urban Drainage System. Inclusion of grease traps to prevent it entering the public sewer.

SuDS Approving Body

Applicant to note that SAB approval from the relevant authority, being Flintshire County Council to be secured in addition to any planning permission.

Welsh Government – Highways (A55)

No objection. Request access with the A5026 be monitored and particularly HGV parking on the access road.

Natural Resource Wales

Significant concerns with the proposals. No/limited information on the drainage strategy. No issues regarding ecology subject to mitigation measures (RAM's) outlined in the report. Fuel intercept for car park recommended or if SuDS direct applicant to the Environment Agency's Position Statement G13 on Groundwater.

PenSpan

No Objection.

4.00 PUBLICITY

4.01 The application has been publicised via the publication of a Press Notice, display of a site Site, Notice and issue of Neighbour Notification letters.

4.02 At the time of writing 9 neighbour consultation responses have been received from 6 households. The key issues raised are summarised below:

- Inappropriate development in the open countryside.
- Over development of the site.
- No need.
- Safety issues regarding adjacent pipeline.
- Highway safety issues on a busy road.
- Parking of HGVs and commercial vehicles on the highway/verges.
- Environmental concerns relating to ecology of adjacent woodland, litter, lightspill and noise.
- Economic impact on local business.
- Odour pollution.

5.00 SITE HISTORY

5.01 **050008** – Construction of a public house, creation of parking and turning areas, cycle store and means of access, the provision of 45m² of photovoltaic cells and hard and soft landscape treatment – Refused 28.11.2012. Appeal Dismissed 21.03.2013.

045677 – Outline – erection of hotel, restaurant/public house with manager's accommodation above and provision of car parking – Refused 24/02/2009. Appeal Dismissed 06/07/2009.

042532 – Outline – Erection of a hotel, restaurant/public house with manager's accommodation above and provision of car parking – Withdrawn 12/06/2007

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 New Development

Policy STR2 Transport and Communications

Policy STR 3 Employment

Policy STR6 Tourism

Policy STR 7 Natural Environment

Policy GEN1 General Requirements for Development

Policy GEN3 Development in the Open Countryside

Policy D1 Design Quality, Location and Layout

Policy D2 Design
Policy D3 Landscaping
Policy L1 Landscape Character
Policy AC1 Facilities for the Disabled
Policy AC13 Access and Traffic Impact
Policy AC18 Parking Provision and New Development
Policy AC19 Lay-by and Picnic Areas
Policy S8 Hot Food Takeaways, Restaurants and Cafes
Policy WB1 Protection of species and their habitats
Policy WB6 Opportunities to enhance ecological value

Supplementary Planning Guidance

SPGN No. 3 Landscaping
SPGN No. 11 Parking Standards
SPGN No. 12 Access for All

National: Guidance

Planning Policy Wales Edition 10 December 2018.

7.00 PLANNING APPRAISAL

7.01 Proposal and Site description

The application site is a greenfield site (6,326sqm) within the Open Countryside north of the A55 (Junction 31) at the junction with the A5026. It lies adjacent to the eastern edge of and would form part of an existing cluster of buildings including the petrol filling station, and retail units including a Spar, Subway and Greggs together with a drive-thru McDonalds restaurant. Further to the east is a wooded area with agricultural land to the north.

7.02 The cluster operates as service area, with its main function being to serve passing traffic from the A55.

7.03 The proposed development comprises a total of 472 sqm in two single storey units (Proposed KFC 268m² GFA and Proposed Starbucks 204m² GFA). The units are a contemporary design and would be operated as a KFC drive thru restaurant and a Starbucks drive thru coffee shop both falling within Use Class A3 .The associated parking area is proposed to the north.

7.04 The proposal also includes landscaping to the north and front of the site.

7.05 Main Issues:

The main issues to be considered in determination of this planning application relate to:-

- a) Principle of the development;
- b) Impact on the Open Countryside;
- c) Traffic and Highway Safety;

- d) Impacts upon living conditions; and
- e) Ecological Impacts

7.06 Principle of the Development.

The principle of the proposed uses in this location has been established for some time. Whilst the proposed uses should normally be directed to nearby settlements, the proposal would extend an existing facility which operates as a service area. The key users are passers by using the A55. As such, the policy team has confirmed that the expansion of this facility will not harm the viability of the nearby settlements and a sequential test of alternate sites is not required. Rather, expansion of an existing site is more appropriate than opening a new location.

7.07 It does involve the development of a greenfield site, within the open countryside. Whilst policy STR1 generally directs such uses to settlements, the only way this facility can be extended involves development within the open countryside and as outlined in policy GEN3 this policy accepts that development in the open countryside that supports tourism can be acceptable. Similarly, functioning as part of an established service area, the proposal provides for the needs of visitors satisfying the aim of Policies STR6 and AC19.

7.08 On balance, the principle of the use of the land for x 2 drive thru units in A3 use is acceptable.

7.09 Impact on the Open Countryside

The site in question is within the open countryside and it is appropriate to consider the impact on the intrinsic value of the land.

7.10 There is a substantial mature wooded area to the east and the existing service area itself to the west. Due to a combination of levels and landscaping, views to/from the more open countryside north of the site are restricted and proposed landscaping introduces more planting along this boundary. St Asaph Road (A5026) forms the southern boundary with the A55 beyond that.

7.11 It is considered that the site is visually and physically contained and consequently any impacts would be localised. There are no public rights of way within the vicinity of the site. As such it is not considered to be particularly sensitive in this regard and does not have a significant adverse impact.

7.12 Traffic and Highway Safety

As a service area the majority of visits to the site will be by vehicle. This coupled with the comments received during consultation mean that traffic generation and highway safety has been considered in detail.

7.13 These matters have been discussed in detail with the Highways

officer who has undertaken a thorough review of the submitted information and raised concerns, particularly in relation to the chosen peak and appropriate visibility splays. As a consequence the initial submission was supplemented with additional information.

- 7.14 The parking ratio is less than the level set in Policy AC18 (1:7.5 sqm GEA) resulting in a shortfall of 4 spaces. However, highways officers accept the additional justification for this level of provision and the benefit of including 4 caravan spaces (there are none in the site currently).
- 7.15 In addition, it has been agreed that the applicant makes a contribution towards the implementation of a Traffic Regulation Order, secured via a Section 106 Legal Agreement to prevent parking on surrounding streets.
- 7.16 Overall, it is considered that all traffic and highway safety matters have been adequately addressed.
- 7.17 Impacts upon living conditions
The nearest residential properties are approximately 200m west of the application site. The properties are set back but front the A151.
- 7.18 The proposal extends the service area away from these properties with the two new units being behind the existing service area. We note that the pollution control officer raises no concerns relating to proposal and does not recommend that conditions are required.
- 7.19 It is considered that the proposal would not harm the amenity of local residents. Matters relating to traffic are dealt with above. The submitted plans clearly show the location of bins. As such the proposals satisfies the criteria within Policy S8.
- 7.20 Ecological Impacts
The proposed site is located away from the nearby woodland and will not increase or improve access to the wooded area. The site itself of a mix of rough grassland and scrub and is not considered to be a priority habitat. There are no trees or structures on the site therefore there is no potential for bat roosts. Similarly there is limited potential for bird nesting. There is some potential for reptiles and the applicant has identified suitable RAM's (trap and translocate), compensation and enhancement measures within the Ecological Mitigation and Enhancement strategy. Potential for GCN's is also limited for should they be identified on the site there are precautionary measures outlined in the Ecological Mitigation and Enhancement.
- 7.21 The proposal includes areas of landscaping and planting. The details of this will be agreed by condition, ensuring opportunities to enhance the habitat value including planting of native hedgerows

and trees, providing a green corridor to nearby habitats including the wooded area.

- 7.22 It has been demonstrated that the proposal will not have a significant detrimental impact on important species or habitats and the proposal incorporates measures to enhance the nature conservation value, satisfying the objectives of relevant policies WB1 and WB.

8.00 CONCLUSION

- 8.01 Whilst the site is located outside of the defined settlement boundary within the open countryside, the nature of the proposal, extending an existing service area, meeting the needs of tourists means it complies with relevant policies within the UDP.
- 8.02 The only matters that require mitigation are views to the north and potential for off site parking and this has been dealt with by planting, which can be controlled by condition and the implementation of a TRO secured via a s106 agreement.
- 8.03 As such, we recommend planning permission be granted subject to conditions and s106 agreement.
- 8.04 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.
- 8.05 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.
- 8.06 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.07 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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