

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **7<sup>TH</sup> JUNE 2017**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF 2 NO. CLASS  
A3 UNITS WITH ASSOCIATED PUBLIC REALM  
IMPROVEMENTS AND CAR PARKING RE-  
CONFIGURATION AT BROUGHTON SHOPPING  
PARK, BROUGHTON**

**APPLICATION  
NUMBER:** **055736**

**APPLICANT:** **HERCULES UNIT TRUST**

**SITE:** **BROUGHTON SHOPPING PARK,  
BROUGHTON**

**APPLICATION  
VALID DATE:** **31<sup>ST</sup> AUGUST 2016**

**LOCAL MEMBERS:** **COUNCILLOR BILLY MULLIN**

**TOWN/COMMUNITY  
COUNCIL:** **BROUGHTON**

**REASON FOR  
COMMITTEE:** **DEPARTURE FROM THE DEVELOPMENT PLAN**

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

This application was deferred from consideration at Planning and Development Control Committee on 16<sup>th</sup> November 2016 in order for further discussions with the land owner in terms of a long term approach to parking at the retail park after Members expressed concern about the loss of car parking due to this proposed development.

One of the suggested highways conditions was for a parking occupation strategy for 12 months including peak periods following the uses being brought into use. As the park has been under a period of refurbishment including the public realm areas and car parking, areas of the car park have been out of use as the works have been phased across the park. This has led to a reduction in the car parking available by 15% during these works. This work to the car parking areas is now completed and the applicants instructed Atkins to undertake a 'Review of Public Car Park Usage' survey in order to demonstrate the levels of usage currently

at the park. The survey was undertaken on two days a Friday and a Saturday in February 2017. The survey showed that the car park by the cinema (car park 3) can become full when a surplus of spaces are available in other parts. The results across the park as a whole from the Friday show a 61% occupancy at peak occupancy with 810 empty spaces. The Saturday results show a 85% occupancy with 306 empty spaces. The surveys indicate that even when making allowance for the loss of spaces from this development there would at peak times still expect to be a surplus of approx. 200 spaces with the park operating at 90% occupancy.

The survey was put out for re-consultation and no further comments were received.

It is considered that the submitted information is adequate to demonstrate that there is sufficient capacity within the car park to provide for the A3 units. The previous parking occupation strategy is not required. Any future applications which have an impact on car parking would have to be supported by relevant up-to-date evidence. In terms of the long term strategy for the park the applicants are still considering a master plan approach for the park as a whole along with the newly acquired land to the east of the park.

It is therefore considered that a condition is imposed on this permission to ensure that the car parking remains available at all times and is not used for temporary events such as markets etc. which can limit capacity at peak times. A similar condition was imposed on the cinema and restaurant development.

## **1.00 SUMMARY**

1.01 It is considered that the addition of two A3 uses and the associated public realm improvements would enhance and complement the current offer at Broughton Park. It is not considered that on the whole the loss of parking spaces is significant. The proposed uses will complement the existing uses on the park and will not in themselves lead to an increased number of visitors.

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

- 2.01
1. Time commencement
  2. Plans
  3. Materials – buildings
  4. Materials – hard landscaping, paving and planter, seating
  5. Soft landscaping, and management
  6. Public art design and location
  7. Drainage scheme
  8. No occupation prior to October 2017 unless waste water treatment works upgrade is completed.

9. Removal of permitted development rights Part 4 in relation to the siting of temporary structures and temporary events to the car parking areas
10. Bird hazard management plan

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

Councillor W Mullin

No response received at time of writing.

Broughton Community Council

No objection.

Highways Development Control Manager

No objections subject to conditions covering parking occupation survey.

Public Protection Manager

No adverse comments to make.

Welsh Water/Dwr Cymru

An upgrade is currently being undertaken to the Chester wastewater treatment works which flows from this development.

No objection subject to no buildings being occupied prior to October 2017 unless the upgrading of the waste water treatment works has been completed.

The applicant proposes to discharge surface water into the public sewer. The developer will have to demonstrate that all surface water drainage options have been fully explored and exhausted. No objection subject to standard drainage conditions.

Airbus

The proposed development has been examined from an aerodrome safeguarding aspect and it complies with the general safeguarding criteria for buildings and is not infringing the obstacle limitation surfaces. However the submitted proposals have the potential to impact on the safe operation of Hawarden Airport due to the attraction of birds and an increase in the risk of bird strike at the airport for the completed development due to the grass roof on the buildings.

Request a condition for a bird hazard management plan to be implemented and agreed with Airbus during the construction and for the completed scheme to be enforced for the life of the development.

### **4.00 PUBLICITY**

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

The application was advertised as a departure from the development plan.

1 letter of support on the grounds that;

- Broughton park is in need of more food/coffee outlets and a play area for the children is a must

3 letters of objection on the grounds of;

- The current car park is not suitable despite the upgrading, the one way system doesn't work and the parking spaces are too narrow. Road surface is poor
- Road network outside the site is not sufficient to support the level of traffic the park generates. The access to the park is poor
- More food outlets are not needed
- Loss of parking spaces when there is not enough parking

## **5.00 SITE HISTORY**

5.01 Complex history relating to the development and recent modernisation of the retail park. The most relevant applications to this current one are;

**052624** - Refurbishment of existing Shopping Park to incorporate installation of new shop fronts and canopies, together with public realm and related circulation/car parking improvements. Approved 10.11.14

**055965** - Application for a non-material amendment to planning permission ref: 052624. Approved

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR5 - Shopping Centres and Commercial Development

GEN1 - General Requirements for Development

S3 - Integrating New Commercial Development

S8 - Hot food take-ways restaurants and cafes

D1 - Design Quality Location and Layout

D2 - Design

D3 - Landscaping

D4 - Outdoor Lighting

D6 - Public Art

AC1 - Facilities for the Disabled

AC2 - Pedestrian Provision and Public Rights of Way

AC3 - Cycling Provision

AC4 - Travel Plans for Major Traffic Generating Developments

AC12 - Airport Safeguarding Zone

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development  
EWP16 - Water Resources

Planning Policy Wales Edition 8  
LPGN 11: Parking Standards

The application compliance with the above policies is assessed below.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full planning application for the erection of two A3 restaurant units along with landscaping and public realm works at the Eastern Terrace, at Broughton Shopping Park, Broughton.

### **7.02 Site Description**

The application site is within the existing established out of centre retail park at Broughton. The site is located on the 'eastern terrace' which forms an area within the retail park currently used as public realm with a mobile catering unit and the Hawarden Estate Farm shop and part of the current parking area.

### **7.03 Proposed development**

This is a full planning application for the erection of two A3 restaurant units along with landscaping and public realm works to create a sense of place and to enhance the current visitor experience as part of the current modernisation works at the park. The units are 232m<sup>2</sup> (2,500sqft) and 306.6m<sup>2</sup> (3,300sqft) respectively.

7.04 The two A3 units have been designed with the adjacent aeroplane wing manufacture facility in mind and a wing shape has been chosen to reflect this. The restaurants are a contemporary design with significant elements of glazing and an oversized roof. The solid walls of the buildings will be corten steel and will be perforated in a pattern which mimics aeroplane vapour trails complemented by a flowing pattern to the landscape paving. These elevations will be lit at night to provide an art installation. The buildings are 4.3 metres in height at the highest point, 3 metres in width and 30 metres in length. It is proposed that the roofs of the buildings would be green sedum roofs with the overhang clad in cedar strip boarding.

7.05 It is proposed to create a flexible and multi-functional area through hard and soft landscaping. This includes planters, seating areas and garden areas, along with children's play areas. An element of public art is also proposed which would be a project between British Land and the community.

### **7.06 Principle of development**

The application site is situated between but outside the defined settlement boundaries of Broughton to the west and Bretton to the

east. It is therefore outside any town centre, however it is within an established out of centre retail park. The park has been established since the 1990's and has recently been through a period of modernisation and enhancements. This has included an extension to the retail park with complementary uses in the form of the cinema and restaurants. The retail park itself is being transformed through new glazed shop fronts and public realm improvements to the pedestrianised and car parking areas. This work is ongoing and is in the final phases. The refurbishment has been phased with the aim of minimising disruption to retailers and shoppers alike.

7.07 The addition of two A3 uses in an existing retail park. There is no policy requirement to demonstrate 'need' unlike for out of centre retail developments. The units are centrally located within the park and therefore would not necessarily get 'passing trade'. The restaurants would add to the existing food offer on the park and encourage visitors to stay longer. The principle of development is therefore acceptable.

7.08 The site of the proposed two units is currently partially a pedestrianised area and partially car parking. The car parking area within this part of the park has not yet been modernised and has consent to be remodelled as part of 052624. The impact on these two areas is addressed below. The most relevant development plan policy is Policy S8 which requires;

a) *such proposals to ensure the amenity of local residents, including residents living above the property, is not unduly harmed*

There are no residents within the shopping park and it is wholly a commercial retail park.

b) *on-site provision is made for the disposal of casual litter and wastes;*

Provision for service refuse and on site refuse disposal is provided.

c) *the use will not result in traffic hazards or disturbance arising from street parking.*

The use would not lead to on-street parking. The highways implications are addressed below.

7.09 Highways and parking

A Transport Statement prepared by Vectos was submitted with this planning application and to support a Non-Material Amendment (NMA) application relating to the pedestrian, parking and road layout outside the Tesco Extra store. (055965)

7.10 The main highways issue in relation to this proposal is the impact on the parking provision. While the new uses may lead to an increase in visitors to the park it is considered that this would be negligible and that the majority would be linked trips with other uses. The impact on the highway network is therefore not considered to be an issue.

- 7.11 The proposed uses however does have an impact on the current parking provision. The eastern unit will lead to the loss of 15 disabled spaces in the existing car park and also the potential for an increased pressure for parking as visitors may extend their stay. The western unit is located on an existing pedestrian area.
- 7.12 The current parking provision on the site is 2408 car parking spaces. This is made up of 2099 public spaces predominately in a central area and 309 staff spaces which are located to the rear of the units. The NMA application involved changes to the pedestrian area and road layout in front of the Tesco store to ensure that layby set down area remains and the pedestrian circulation space is enhanced. This leads to the loss of 25 parking spaces, 2 of which are disabled and 2 parent with child. This equates to the loss of 1% of the total spaces. It was not considered that this change was material. This proposed development along with the NMA leads to the loss of 44 car parking spaces which would be 1.8% of the total. A total of 2055 will then be provided at the park; of which 136 would be disabled and 98 parent with child which are pepper potted around the park.
- 7.13 A demand /capacity was undertaken at the park in June. The results of which are within the Transport Statement. This indicated a current demand of 88.76%, it is envisaged with the proposed changes the new development would increase this to 90.6%. At occupancy rates of over 90% car parking users can find it difficult to find a space and queues can arise as people look for spaces.
- 7.14 Assessed against the Councils maximum parking standards all the uses on the park individually would require 2,583 spaces, this includes un-built mezzanine floor space. With the new uses this increases to 2,671 spaces. However the park operates as a whole and not individual units, the park is also well served by alternative modes of transport to the car.
- 7.15 There are four pedestrian routes into the park which link to the existing community and the current new housing developments. There are also 44 cycle spaces around the shopping park pepper potted around. The park modernisation has recently improved the bus stop facilities in the park which offers regular services within and outside Flintshire. The site is therefore a highly accessible location to and from areas within and outside Flintshire.
- 7.16 The Highways Development Control Manager has no objection subject to conditions covering a Parking occupation survey following the uses being brought into use. This should be for 12 months and cover in particular peak periods. This will provide the Local Authority with an up-to-date picture of how parking on the site is used into order to inform any further developments.
- 7.17 Public realm improvements and design

The design of the two units has been influenced from the aeroplane wing manufacture in the local area. The design and the choice of materials of the buildings will enhance the overall public realm in the retail park and will complement the modernised park with glazed shop fronts.

7.18 The overall public realm improvements between and around the proposed A3 units will also enhance the park and provide some much needed greenery and places to site. There are a mixture of elements including benches, children's play area, soft landscaping and public art. This will help to create a sense of place in what current is an open bland urban landscape.

7.19 Airbus

The application site is within the close vicinity of Hawarden aerodrome. The proposed development has therefore been examined from an aerodrome safeguarding aspect and Airbus consider that it complies with the general safeguarding criteria for buildings and is not infringing the obstacle limitation surfaces of the runway. However the submitted proposals have the potential to impact on the safe operation of Hawarden Airport due to the attraction of birds and an increase in the risk of bird strike at the airport for the completed development due to the grass roof on the buildings. They therefore request a condition for a bird hazard management plan to be implemented and agreed with Airbus for the lifetime of the development.

7.20 Welsh Water

Welsh Water have indicated that they are currently upgrading Chester wastewater treatment works which would take flows from this development. They have no objection to the proposed development subject to no buildings being occupied prior to October 2017 unless the upgrading of the waste water treatment works has been completed. A Grampian style condition to this effect would be imposed.

**8.00 CONCLUSION**

8.01 It is considered that the addition of two A3 uses and the associated public realm improvements would enhance and complement the current offer at Broughton Park. It is not considered that on the whole the loss of parking spaces is significant. The proposed uses will complement the existing uses on the park and will not in themselves lead to an increased number of visitors.

8.02 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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