

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH MARCH 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION – ERECTION OF 3NO. CLASS B1 INDUSTRIAL UNITS AND ASSOCIATED CAR PARKING AND AMENDED VEHICULAR ACCESS ON LAND AT BILLY JEAN’S CAFÉ, UNIT 2, THE HAVEN GARAGE, THE NANT, PENTRE HALKYN, HOLYWELL.**

APPLICATION NUMBER: **051580**

APPLICANT: **THE NANT (NORTH WALES) LTD**

SITE: **LAND AT BILLY JEAN’S CAFÉ, UNIT 2, THE HAVEN GARAGE, THE NANT, PENTRE HALKYN, HOLYWELL.**

APPLICATION VALID DATE: **30TH DECEMBER 2013**

LOCAL MEMBERS: **COUNCILLOR M. G. WRIGHT**

TOWN/COMMUNITY COUNCIL: **HALKYN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **PROPOSALS REQUIRE THE APPLICANT TO ENTER IN A S.106 AGREEMENT IN RESPECT OF MATTERS FOR WHICH DELEGATED POWERS TO DETERMINE DO NOT EXIST.**

SITE VISIT: **YES. REQUESTED BY LOCAL MEMBER IN VIEW OF TRAFFIC CONCERNS**

1.00 SUMMARY

- 1.01 This application seeks approval for proposals to erect 3No. small B1 industrial units on land located to the rear of the existing Billy Jean’s Café, Pentre Halkyn. The application includes the provisions of access and parking and turning provisions.

1.02 The application is presented for Members consideration as the recommendation that planning permission be granted is conditional on the applicant entering into a S.106 Agreement to prevent the commencement of development until such time as another existing planning permission has been implemented. Matters such as these do not benefit from delegated powers provisions.

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 S.106 agreement which provides for the following;

1. That development approved under planning permission Reference 051580 is not commenced until such time as that planning permission granted under Reference 050361 has been implemented.

Conditions

1. Development to be commenced within 5 years.
2. In accordance with the approved plans.
3. External finishing materials (including colours) to be submitted and agreed prior to works commencement.
4. Proposed car parking facilities to be provided prior to first use and thereafter retained.
5. Retention and protection of hedgerows and trees.
6. No land drainage to the public sewerage system.
7. No surface water, whether directly or indirectly, to the public sewerage system.
8. Foul and surface waters to be drained separately.
9. No development within 3 metres of the centreline of a public sewer crossing the site.
10. Siting, layout and design of access to be submitted and agreed prior to works commencement.
11. Any boundary enclosure to be 2.5m back from edge of carriageway kerblines.
12. Scheme for prevention of surface water run off from site onto highway.
13. Scheme for land contamination investigation prior to commencement of any site works. Any remediation to be undertaken prior to first use.
14. No external storage or display of any sort.
15. Scheme for Reasonable Avoidance Measures to be submitted and agreed prior to the commencement of development.
16. Uses restricted to Class B1 only.

3.00 CONSULTATIONS

3.01 Local Member

Councillor M. G. Wright

Has queried which measures are to be taken to ensure no adverse highway impact upon the A55 slip road from vehicular movements in and out of the site or parking on the highway.

Requests that a committee site visit is undertaken to illustrate relationship of access to the slip road.

Halkyn Community Council

Objects on the basis that approval of this proposal, should the permission under Reference 050361 not be implemented, will result in an adequate provision of parking for the existing café.

Head of Assets and Transportation

No objection. Requests the imposition of conditions but advises that permission should only be granted on the basis that proposals approved under 050361 are required to be undertaken in advance of the commencement of any development approved under this application.

Advises that there are no public rights of way affected.

Head of Public Protection

No adverse comments. Requests the imposition of conditions.

Welsh Water/Dwr Cymru

No objection subject to the imposition of conditions.

Natural Resources Wales

Advises of Great Crested Newts recorded within the vicinity of the site. Requests the imposition of a condition requiring Reasonable Avoidance Measures to be submitted and agreed prior to the commencement of development.

4.00 PUBLICITY

4.01 The application has been publicised by way of a site notice and neighbour notification letters. At the time of writing this report, 1No. letter has been received raising objection in relation to the potential for parking problems and adverse impacts upon highway safety in the event that this proposals is implemented in advance of the permission granted under 050361.

5.00 SITE HISTORY

5.01 3/HA/40581

Outline - change of use to industrial
Permitted 6.7.1981

530/85

Change of use to café and take away
Permitted 21.11.1985

99/1001

Outline – residential development
Withdrawn 8.11.1999

36652

Outline – demolition of cafe and erection of 4No. dwellings
Refused 19.12.2003

050361

Demolition of café and erection of new office building
Permitted 21.2.2013

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New development.

Policy STR3 - Employment.

Policy GEN1 - General requirements for development.

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy EM4 – Location of other Employment Development.

7.00 PLANNING APPRAISAL

7.01 The Site and surroundings

The application site lies to the north of the slip road which serves the east bound carriageway of the A55 at Junction No. 32 which runs along southern boundary of the site on an east west alignment. Immediately to the north and west of the site is the residential curtilage to an adjacent dwelling. Land to the east is formed by a farm, Pistyll Isa and its associated buildings. Agricultural land lies to the north east of the site, associated with the farm. The land to the south is formed by the transport café which gives the site its name. Boundaries to the north, east and west are formed by mature and very well established hedgerows of both evergreen and deciduous species. The site comprises 0.18 hectares and is outside of the settlement boundaries of any nearby settlements as defined in the development plan.

7.02 The site is presently in use as a HGV parking and turning area in association with the adjacent transport café serving road users and is

given over entirely to hardstanding which serves as parking for vehicles using this facility. The site is generally flat across its east – west axis but the land falls gently downslope towards the northern boundary.

7.03 Vehicular access to the site is presently derived from the slip road across the majority of the southern boundary of the site. The application site boundary provides for an access way through the southern portion of the site to be shared with users of that land.

7.04 The Proposed Development

The proposals seek permission to develop the site in such a fashion as to provide 3 No. B1 industrial units. These arranged in a terraced fashion with provision made for parking and turning facilities for vehicles associated with each use.

7.05 Main Issues

The main issues for consideration in respect of this matter are;

- a) The principle of development
- b) Design
- c) Impacts upon amenity
- d) Highway impacts
- e) Landscaping impacts
- f) Ecological impacts
- g) Land contamination

7.06 The Principle of Development

Policy EM4 of the UDP is the policy which addresses the principle of proposals of this type. It advises upon the locations considered appropriate for the location of commercial development. One of those locations considered appropriate, outside of settlement boundaries, is brownfield land, subject to defined criteria.

7.07 This policy stipulates that such sites may be considered acceptable locations for employment development provided that identified criteria are adequately satisfied. These criteria are assessed against the proposals below.

7.08 i. Scale and Design

The surroundings provide a mix of buildings and structures of varying heights, massing and external appearances. The proposed industrial buildings reflect the form and external appearance of those commercial and agricultural buildings in the vicinity of the site. The proposed units are constructed in such a fashion as to have a monopitch roof with the highest part of this towards the front of the buildings. This height is lower than the existing dwellings which bound the site and, given the elevated nature of the trunk road in this location, and the height and visual impacts of its associated paraphernalia, I

do not consider that the introduction of height of the scale proposed to be unsightly or adverse to the appearance of the surroundings or adjacent amenity.

7.09 The buildings are proposed to be constructed of colour coated metal cladding which is consistent with standard construction for buildings of this type but also accords with some of the adjacent agricultural buildings.

7.10 The proposed building introduces a form of development onto this site which would serve to enhance its overall visual appearance.

7.11 ii. Amenity Impacts
Amenity impacts in this location are twofold in consideration. Firstly, the impact of the proposals upon the visual appearance of the area and secondly, the impact upon the existing residential amenity of nearby properties. As discussed above, the nature of the visual appearance of the site at present, coupled with the mixed context of its surroundings is such that the proposed building would not be visually detrimental to the surroundings. In consideration of the residential amenity issue,

7.12 I am mindful that the current use of the site involves high levels and frequencies of vehicular movements of large vehicles. The proposed use as small industrial units would result in a reduction of the likely level of vehicle movements and the size and frequency of movement of the vehicles.

7.13 In addition, the proposals seek approval for proposed B1 uses within the Town and Country Planning (Use Classes) Order 1987. This class allows for small scale light industrial uses which are generally considered to be acceptable in mixed use areas, where one of the neighbouring uses is residential, as uses within this class do not normally give rise to the levels of disturbance, noise or amenity impacts which one would associate with other forms of industrial use. Accordingly, I do not consider therefore that the proposals would adversely affect amenity.

7.14 iii. Access and Parking/Turning
Concerns have been raised from various sources in relation to the potential adverse highway impacts arising from the implementation of any permission granted under this application whilst the transport café remains operational. It is considered that the loss of this site as parking and turning facilities for the larger vehicles which use the café facility would result in increased levels of on road parking upon the adjacent A55 slip road which would in turn, give rise to increased risks to highway safety.

- 7.15 The proposals have been considered by the Head of Assets and Transportation who had also voiced the same concern. However I am advised that, provided the applicant is prepared to enter into a S.106 agreement (or similar) to the effect that any permission granted under this application will not be implemented until the permission granted under 050361 has been implemented, the proposals are acceptable in terms of highway safety, subject to such an agreement and conditions.
- 7.16 I do not therefore consider there to be an issue in respect of adverse access or highway impact, provided such an agreement is secured and conditions imposed.
- 7.17 iv. Screening
The site is already well screened on 3 of its boundaries with the surroundings and the proposals involve no alteration to this situation. I would propose to condition the protection and retention of this landscape screening in order to ensure the screening affords adequate protection to the amenity of adjacent residents.
- 7.18 Ecology
The application has been the subject of consultation with Natural Resources Wales who have advised that there are records of Great Crested Newts (GCN) within 230 metres of the site and the site is potential crossed by the GCN's. There are no records of GCN's upon the site itself.
- 7.19 Accordingly, I am advised by NRW that permission can be granted subject to a condition requiring the submission and agreement of a scheme of Reasonable Avoidance Measures. This scheme should make provision to ensure that there is no detrimental impact upon the favourable conservation status of the species. I propose to condition accordingly.
- 7.20 Land Contamination
In view of the historical use of the site as a parking and turning area for large vehicles, it is considered that site may be at risk from contaminants associated with such a use. I am advised in response to consultation by the Head of Public Protection that this issue can be properly addressed via the imposition of a condition which requires that a land contamination investigation is undertaken prior to the commencement of other site works. In addition, the condition will require that where contamination is identified, a scheme of remediation measures shall be submitted, agreed and subsequently implemented.

8.00 CONCLUSION

- 8.01 I am satisfied, having had regard to the provisions of the applicable

policies and all other material considerations, that this proposal would accord with the provisions of the same and would, through the suggested legal agreement and conditions, represent an appropriate and acceptable form of development in this location.

- 8.02 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.

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