

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **17<sup>TH</sup> APRIL 2013**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **RENEWAL OF PLANNING PERMISSION REFERENCE 047979 TO ALLOW THE CHANGE OF USE FROM GUN SITE AND AGRICULTURAL LAND TO A PAINTBALLING CENTRE AND ANCILLARY DEVELOPMENT CHESTER GUN SITE, MOOR LANE, LOWER KINNERTON, CHESTER**

**APPLICATION NUMBER:** **050429**

**APPLICANT:** **MR. D. BRADSHAW**

**SITE:** **CHESTER GUN SITE MOOR LANE, LOWER KINNERTON, CHESTER**

**APPLICATION VALID DATE:** **31<sup>ST</sup> JANUARY 2013**

**LOCAL MEMBERS:** **COUNCILLOR P. LIGHTFOOT**

**TOWN/COMMUNITY COUNCIL:** **HIGHER KINNERTON COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT EXCEEDS DELEGATION LIMITS**

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

**1.00 SUMMARY**

1.01 This application is a renewal of planning permission 047979 to allow the continuation of the use of the land as a paintballing centre and retention of ancillary development. It was granted temporary retrospective permission on 25<sup>th</sup> July 2011 in order to monitor the impact of the use upon nearby residential amenity in terms of any noise disturbance and upon users of the adjacent bridleway. No complaints have been received regarding the above and therefore the recommendation is to grant a permanent permission for the use and buildings/structures upon the site.

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

2.01 Conditions

1. In accordance with approved plans.
2. Archaeological observation.
3. Blue inflatables to be let down at the end of each day.
4. Water based bullets used only.
5. Hours of use 10.00am – 6.30pm.

**3.00 CONSULTATIONS**

3.01 Local Member:  
Councillor P. Lightfoot  
No response received to date.

Higher Kinnerton Community Council  
No objections to this application.

Head of Assets and Transportation  
On the basis that Public Rights of Way have been consulted separately, no objection to the proposal and do not intend to make a recommendation on highway grounds.

Head of Assets and Transportation (Rights of Way)  
Footpath 22A abuts the site but appears unaffected by the development. Therefore no observations to make.

Head of Public Protection  
No response received to date.

Environment Agency  
Agency's letter 03/05/11 remains valid. This was no objection.

Ramblers Association  
No response received to date.

British Horse Society  
No response received to date.

Flintshire Local Access Forum  
No response received to date.

Clwyd-Powys Archaeological Trust  
If Condition Nos. 2, 9, 10 on application No. 047979 can be carried across, then no objection.

Cheshire West & Chester Council

No response received to date.

**4.00 PUBLICITY**

4.01 Neighbour Notification

1 letter of objection received. The grounds of objection being:

- Question 13 has been filled in incorrectly regarding watercourses
- Owners need to provide signage to slow down traffic
- Operating times being exceeded
- Site needs more screening
- Lane is like a speed trap which is also a bridlepath

**5.00 SITE HISTORY**

5.01 **047979**

Change of use from former gun site and agricultural land to paintballing centre and ancillary development including siting of 6 No. shipping containers for storage, office store, toilets and changing rooms. Improvement of hardstanding access for parking of vehicles and congregation of players (partly in retrospect). Temporary planning permission granted 25<sup>th</sup> July 2011.

**82/73**

OUTLINE – Motor Repairs Shop – REFUSED 28<sup>th</sup> June 1973

**131/61**

Proposed Housing Development – REFUSED 9<sup>th</sup> May 1961

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR11 – Sport, Leisure and Recreation

Policy GEN1 – General Requirements for Development

Policy GEN3 – Development in Open Countryside

Policy D1 – Design Quality

Policy D2 – Design

Policy D3 – Landscaping

Policy AC13 – Access and Traffic Impact

Policy AC2 – Pedestrian Provision and Public Rights of Way

Policy EWP12 – Pollution

Policy EWP13 – Nuisance

Policy EWP17 – Flood Risk

Policy HE7 – Other Sites of Lesser Archaeological Significance

Policy SR1 – Sport, Recreation or Cultural Facilities

Policy SR2 – Outdoor Activities

As it is considered that the type, scale and intensity of the proposal is

appropriate and unlikely to harm the character and appearance of the area, it accords with the above policies.

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Description and Proposals**

Comprises of the existing 'Outpost' paintballing centre which was both a former military gun site camp and part of an adjoining field to it. Both sites enjoy a rural setting and although somewhat isolated are well screened from the highway network by hedges and mature landscaping.

7.02 The application is for renewal of 047979. The portakabin at the site entrance has been removed and a more permanent structure has replaced it. This is the only change since the granting of temporary consent in July 2011.

### **7.03 Background**

Planning permission No. 047979 was given a temporary permission on 25<sup>th</sup> July 2011 for this use and ancillary development including the siting of 6 storage containers, improvement of hardstandings etc. At the time it was granted temporary consent to monitor the impact of the use upon nearby residential amenity (noise) and upon ramblers and horses/horseriders using the adjacent bridleway. As far as the Local Planning Authority are aware no complaints have been received regarding the above.

### **7.04 Issues**

The issues to consider within the determination of this planning application are the principle of the development in planning policy terms, the effects of the developments upon the character and appearance of the countryside, the highway implications, the effects upon nearby residential amenity, the impact on users of the adjacent bridleway together with the flood risk and archaeological implications of the development.

7.05 The application sites are situated within open countryside to the east of Higher Kinnerton. Policy GEN3 of the emerging Flintshire Unitary Development Plan (FUDP) is permissive of development related to tourism, leisure and recreation, whilst relying on other more specific policies in the FUDP for detailed guidance.

7.06 For instance, FUDP Policy SR2 is permissive of outdoor activities, like paintballing, where it is of a type, scale and intensity that would not unacceptably harm the character and appearance of the site and its surroundings, amenity of others, or any landscape, nature conservation or historic interest; and the site is accessible by a choice of modes of travel other than private car.

7.07 In addition, FUDP Policy SR1 is permissive of small scale buildings

and/or ancillary development necessary to support recreation facilities.

7.08 Given the above, it is therefore considered that in principle, the use is acceptable in planning policy terms. What needs to be considered are the details and their effects upon the countryside, amenity and others etc.

7.09 Character and Appearance of the Countryside

The site lies within open countryside and is somewhat isolated. However, it is well screened from the highway network by hedges and mature landscaping. Given this landscaping, that existing structures are present on the site and the ancillary structures associated with the paintballing use are located in proximity to these and are thus assimilated well into the existing built development and that amendments have now been made to the colour of the containers etc then it is considered that the developments do not have a significant increased detrimental impact upon the countryside landscape.

7.10 Highway Implications

Both sites are accessed via a long single width track from Moor Lane which is also single width for part of its length nearest the site access.

7.11 The traffic generated by the use is not considered significant, approximately 7-10 cars per session, with only two sessions each day. In addition, these additional traffic movements are outside of peak hours given the hours of use on the site, namely 10.00am - 6.30pm each day and that it is only possible to have two sessions a day.

7.12 Although the access track and part of Moor Lane is single width, the site does not generate a significant increase in the number of simultaneous passing of opposing vehicles. This is due to the timing of the sessions, with vehicles entering the site and leaving at the end of the session well before the next session participants are due to arrive. In addition, the existing passing places at the various accesses are considered adequate. The applicants do not want and discourage casual callers at the site, as all bookings are taken via the internet or telephone.

7.13 The use only generates light private vehicles with the occasional minibus, whereas the various agricultural, equestrian and turkey farm uses also use the land with heavy goods and large agricultural vehicles. The lane is presently in a reasonable condition as far as the access to the site and the additional wear and tear from the uses has been minimal so far.

7.14 Given the above, the use has so far been safely accommodated on the existing highway network and considered to continue to do so.

- 7.15 Amenities of Adjoining Residents  
Both sites enjoy a rural setting, are isolated, set within open countryside, are well screened from the highway network by hedges and mature landscaping and are located approximately 380m away from the nearest residential property. Given the above together with the times of operation of the activity and that the equipment of the use is not particularly noisy, that the activity has not generated any complaints since being granted retrospective planning permission, it does not have a significant detrimental effect on the amenities of adjoining residents from noise disturbance.
- 7.16 Impact Upon Bridleway  
Public Bridleway 22A runs along Moor Lane which is approximately 300m to the east of the site and is therefore not physically affected by the development. The previous concerns of the British Horse Society are noted upon the safety of the horses and their riders. However, given the low generation of traffic from the use and type of vehicles used and that lane is used by much larger vehicles e.g. heavy goods and large agricultural vehicles from other users on the land i.e. Turkey farm, agricultural and equestrian, it is considered that there is no significant increased detrimental impact upon the safety of horses and their riders. No complaints have been received by the Authority from either walkers or horse riders concerning any incidents affecting the enjoyment of this part of the bridleway. It is considered therefore that continued use of the activity will not have a significant detrimental impact upon either of these two users.
- 7.17 Flood Risk  
The application site lies partially within Zone C2, as defined by the development advice map referred to under TAN15 Development and Flood Risk (July 2004). The Flood Map information confirms the eastern part of the site to be within the extreme flood outline for the Burton Meadows Catchwater / New Moor Drain.
- 7.18 The original development placed the new toilets, stores and changing rooms at the south-eastern corner of the site within the predicted flood zone and within 7m of a main river.
- 7.19 Members may recall that on the previous application amended plans had been received that places these structures away from the flood risk zone in the south eastern corner to the south of the site i.e. further westwards. Therefore, flood risk and bye-law consents are not a consideration
- 7.20 With regard to the discrepancy on the application form in relation to Question 13 regarding proximity to any watercourses, this has been amended since there is a drain or watercourse which runs along the eastern boundary of the site.

7.21 Archaeology

The Chester gun site is recorded in some detail on the Historic Environment in terms of surface features and overall the site is considered to be of local and regional importance. These 20th Century and war gun sites are fast becoming nationally rare, but Cadw feel that they could not protect this site with scheduled monument status despite the fact that this is the only recorded example in the area.

7.21 At the moment the history and function of the site can be adequately read through the surviving buildings and their layout. The developments do not involve any demolition or alterations taking place to the structures presently preserved in situ.

7.22 Therefore a condition has been attached which allows an archaeologist to be contacted prior to any further site works progressing.

7.23 Water based bullets are currently used and the inside of the buildings have been cordoned off so as not to be damaged. Conditions have been placed upon the recommendation to ensure that these requirements are retained.

**8.00 CONCLUSION**

8.01 Due to the above, it is considered that the developments are considered acceptable and that permission should now be granted on a permanent basis.

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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