

FLINTSHIRE COUNTY COUNCIL

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

DATE: **18TH JUNE 2014**

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

SUBJECT: **CHANGE OF USE OF LAND AND BUILDINGS FROM B1 USE WITH STORAGE IN CONNECTION WITH THAT USE, TO USE OF THE BUILDING FOR A MIXED B1/B8 USE AND THE LAND FOR ANCILLARY STORAGE IN CONNECTION WITH THAT USE AND FOR CARAVAN STORAGE AT OWL HALT INDUSTRIAL ESTATE, MANOR ROAD, SEALAND.**

APPLICATION NUMBER: **051501**

APPLICANT: **MR HUGH HOULBROOK**

SITE: **LAND AT OWL INDUSTRIAL ESTATE, MANOR ROAD, SEALAND**

APPLICATION VALID DATE: **20TH NOVEMBER 2011**

LOCAL MEMBERS: **COUNCILLOR C. JONES**

TOWN/COMMUNITY COUNCIL: **SEALAND COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **COUNCILLOR C. JONES REQUESTS COMMITTEE DETERMINATION**

SITE VISIT: **YES**

MEMBERS WILL RECALL THAT THIS APPLICATION WAS DEFERRED AT THE MEETING ON 14TH MAY 2014 IN ORDER FOR MEMBERS TO UNDERTAKE A SITE VISIT PRIOR TO THE MEETING ON 18TH JUNE 2014.

1.00 SUMMARY

1.01 This application seeks retrospective planning permission for the material change of use of land which benefited from a B1 use to a mixed use of B1 and B8 comprising caravan servicing and caravan storage. It is considered that the proposal considered in the above

terms is acceptable in terms of the principle of development and the impact of the proposal on the surrounding environment.

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

2.01 The proposal is recommended for approval subject to the following conditions:

1. Time commencement
2. In accordance with plans
3. Adequate facilities for turning, loading, unloading and parking shall be provided within the site
4. There shall be no outside storage of any materials/plant/vehicles/caravans over 4m in height
5. The use of the site shall be restricted to between the hours of 8am and 8pm Monday-Sunday including bank holidays

3.00 CONSULTATIONS

3.01 Local Member

Councillor C M Jones – requests committee determination and site visit. Refers to the fact that this has been to committee previously and has been the subject of two appeals. Does not consider this application to be appropriate.

Sealand Community Council

The application would:

- create a substantial nuisance for local residents
- would be visually intrusive
- nuisance levels would be exacerbated at nights with the provision of flood lighting
- noise levels would be unacceptable
- traffic hazards would be considerable with traffic to the site having access to and from an unadopted highway - Manor Road
- Manor Road is a narrow highway that would make turning into the site a difficult manoeuvre. The access from the A548 Sealand Road to Manor Road is restricted and not suitable for any increase in vehicular flows. Access from the site to Garden City is via the Foxes Lane underpass which has a very restrictive head room.

Head of Assets and Transportation

No objection. Recommends that any permission should include a

condition regarding the provision of adequate facilities for turning, loading, unloading and parking within the site.

Head of Public Protection

No comments received

Natural Resources Wales

No comments received

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

No comments received

5.00 SITE HISTORY

5.01

048255

Application for a lawful development certificate for an existing mixed use over the whole site but with separate buildings identified as having a specific planning use as set out in the statutory declarations and supporting statement – Part Granted/Part Refused 24th April 2012

047553

Change of use of land for touring caravan and/or motor home storage. Refused 15th October 2010. Appeal to Planning Inspectorate to be heard by way of informal hearing 6th July 2011.

041754

Continued use of land for caravan storage – Refused 22nd July 2009.

Appeal to the Planning Inspectorate withdrawn 4th March 2010.

039033

Retrospective application for the siting of 4 No. security lights to 1 CCTV security owners overlooking existing storage area – Refused 13th March 2006.

035699

Proposed erection of 5 starter units adjoining existing factory building – Refused 23rd July 2003.

00/0705

Demolition of detailed brick garage and construction of new office accommodation – Granted 21st September 2000.

97/8/0726

Erection of 5 static units adjoining existing industrial building. Granted 6th January 1998.

4/8/23572

Change of use from B1 to B8 – Granted 4th October 1994.

4/9076

Change of use of building to general warehousing and ancillary offices.

Refused 3rd February 1981.

4/3953

Erection of an agricultural storage building.

Granted 30th June 1977.

In addition to the above, an Enforcement Notice was served on 3rd April 2012 (ref: 132287) requiring the following:

- (1) Permanently cease the use of the Land for the storage of caravans, motorhomes and boats.
- (2) Remove from the Land all caravans, motorhomes and boats and security lighting erected in association with the unlawful change of use.

The notice was appealed and subsequently upheld and came into force on 15th January 2013.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN1 – General Requirements for Development

GEN3 – Development outside Settlement Boundaries

GEN4 – Green Barriers

AC13 – Access and Traffic Impact

EM4 – Location of Other Employment Development

7.00 PLANNING APPRAISAL

7.01 Site Description

The application site is located within a small industrial estate which all falls within an area designated as Green Barrier as defined in the Flintshire Unitary Development Plan (FUDP). The site is currently used for caravan storage with ancillary servicing facilities.

7.02 The site comprises a palisade fence boundary and a hardcore hardstanding with a large, metal clad industrial style building. Access to the site is via a gated access within the industrial estate.

7.03 Key Issues

It is considered that the key issues to consider in the determination of

this application are:

- Impact on the green barrier
- Impact on residential amenity
- Impact on highway safety

7.04 Green Barrier

The site is located within the green barrier. Policy GEN4 of the FUDP sets out the specific criteria for which new development will only be permitted within green barriers.

7.05 An enforcement notice was served on the land adjoining the south of the site on 3rd April 2012 which prohibits, amongst other things, the storage of caravans; however, the enforcement notice has no effect on the current application site. Planning permission for caravan storage has previously been refused on the land which is the subject of the Enforcement Notice for the reason that it is considered inappropriate development in the green barrier.

7.06 Notwithstanding this, unlike the site which is the subject of the enforcement notice which had no previous lawful use, the site which is the subject of this application benefits from a certificate of lawful use for B1 Use (ref: 048255). Therefore, the possible uses of the site under its current lawful use are a significant material consideration in the determination of this application.

7.07 Given that there are a variety of uses which could take place within the parameters of the existing lawful B1 use without the need for planning permission, many of which could be far more detrimental to the character of the area and nearby residential amenities. For example, a B1 use could involve regular HGV deliveries to the site, the operation of heavy machinery, unrestricted outside storage of materials/vehicles/plant used in connection with the said B1 use, etc.

7.08 As such, it is considered that the proposed use has a considerably lesser impact on the green barrier than what could be carried out under the existing lawful use of the site and would therefore comply with policy GEN4 of the FUDP.

7.09 Highway Impact

Access to the site is off Manor Lane which is served by Sealand Road. It is considered that the proposal will not have any detrimental impact on highway safety or the free flow of traffic.

7.10 Residential Amenity

The access to the industrial estate is opposite residential properties on Manor Lane. In order to minimise any disturbance caused to these residents, in particular by way of caravans being picked-up/dropped-off at early morning/late at night, a condition can be attached to any such permission restricting the hours of operation of the business.

8.00 CONCLUSION

- 8.01 It is considered that the proposal does not have a material detrimental impact on the green barrier or on the amenities of the occupants of the nearby residential properties and is hereby recommended for approval.
- 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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